

IN THE

United States Court of Appeals
FOR THE ELEVENTH CIRCUIT

IRA KLEIMAN, as the Personal Representative
of the ESTATE OF DAVID KLEIMAN,
Plaintiff-Appellant,
W&K INFO DEFENSE RESEARCH, LLC,
Plaintiff,
—v.—

CRAIG WRIGHT,
Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

SUPPLEMENTAL APPENDIX
VOLUME IV OF XVII

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yeah... [33] 79/25	you [1151]	197/19
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182/2 183/23	yvette [7] 1/23	

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
CASE NO. 9:18-cv-80176-BB

IRA KLEIMAN, as the personal representative
of the Estate of David Kleiman, and W&K Info
Defense Research, LLC,

Plaintiffs,

November 3, 2021
9:42 a.m.

vs.

CRAIG WRIGHT,

Defendant.

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TRANSCRIPT OF TRIAL DAY 3
BEFORE THE HONORABLE BETH BLOOM
UNITED STATES DISTRICT JUDGE
And a Jury of 10

Appearances:

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Appearances continued:

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W I T N E S S

ON BEHALF OF THE PLAINTIFF: PAGE

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(via video deposition) 20

JIMMY NGUYEN
(via video deposition) 20 & 21

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1 (Call to order of the Court, 9:42 a.m.)

2 (Jury not present.)

3 THE COURT: Good morning to everyone.

4 Go ahead and have a seat.

5 MR. PAYNE: Good morning, Your Honor.

6 THE COURT: Good morning to everyone. We're just
7 waiting for the attorneys to get situated.

8 MR. PAYNE: Good morning, Your Honor. I think you're
9 on mute for us.

10 THE COURT: Oh, okay. Sorry about that. There we go.
11 All right. Good morning.

12 Good morning, Ms. Glaser and Mr. Payne. We're just
13 waiting for counsel to get situated. We'll call the case so we
14 can get started.

15 MS. GLASER: Not a problem. Thank you.

16 Your Honor, could you clarify if we are -- is this an
17 open Zoom hearing, so nothing said about our client --
18 everything said about our client during this hearing is going
19 to be publicly disclosed?

20 THE COURT: Yes. Ms. Glaser, the courtroom is open.

21 With regard to Zoom, you are the only two individuals
22 that are on Zoom. Obviously, the attorneys and Mr. Freedman
23 and Mr. Rivero, along with the entire team, is here in the
24 courtroom. And we'll go ahead and call the case and we can get
25 started.

1 MS. GLASER: Thank you, Your Honor.

2 COURTROOM DEPUTY: Calling Civil Case Number 18-80176,
3 Ira Kleiman v. Craig Wright.

4 Counsel, please state your appearances for the record,
5 starting with Plaintiffs' counsel.

6 MR. FREEDMAN: Morning, Your Honor. Vel Freedman for
7 the Plaintiffs.

8 MR. ROCHE: Kyle Roche for Plaintiffs.

9 MR. BRENNER: Good morning, Your Honor. Andrew
10 Brenner for the Plaintiffs.

11 MR. ZACK: Steve Zack for the Plaintiffs.

12 THE COURT: And I believe you have a member of your
13 team that is also here.

14 MR. BRENNER: Oh. Ms. Dorian Vela is here also who is
15 running the graphics.

16 THE COURT: Good morning.

17 MR. RIVERO: Good morning, Your Honor. Andres Rivero.
18 Also present for us is Mr. Amit Shah.

19 MS. MCGOVERN: Good morning, Your Honor. Amanda
20 McGovern for Dr. Craig Wright.

21 MR. MESTRE: Good morning, Your Honor. Jorge Mestre
22 on behalf of Dr. Wright.

23 MR. KASS: Good morning. Zalman Kass on behalf of
24 Dr. Wright.

25 MR. FERNANDEZ: Good morning, Your Honor. Michael

1 Fernandez on behalf of Dr. Wright.

2 MR. RIVERO: Judge, I introduced Mr. Shah.

3 THE COURT: All right. And I believe Dr. Wright is
4 also present with us.

5 All right. We are addressing this morning via Zoom
6 for the attorneys for the non-party Docket Entry 759. I'm not
7 certain -- I know yesterday, Mr. Rivero and Mr. Freedman, I did
8 advise that the Court has received filed under seal Exhibits A
9 and B.

10 I don't know if you had an opportunity to review them.
11 And perhaps there is no need to proceed further with any
12 argument if there was an agreement that perhaps was made last
13 night.

14 MR. FREEDMAN: Not for Plaintiffs, Your Honor. There
15 is still a resolution required.

16 THE COURT: All right.

17 MS. MCGOVERN: I'm sorry. I didn't hear what
18 Mr. Freedman just said.

19 MR. FREEDMAN: I said -- so the motion takes issue
20 with certain things that the Plaintiff disputes, redactions
21 that the movant wants. And also there are redactions that
22 movant wants that the Defendant objects to.

23 MS. MCGOVERN: Yes.

24 MR. FREEDMAN: So for Plaintiffs, we have not agreed
25 to what movant wants. I can't speak for you.

1 MS. MCGOVERN: Yes. We are in the same position, Your
2 Honor.

3 THE COURT: And perhaps, Mr. Freedman, if we can be
4 specific, just by referring to the specific page and line, what
5 the Plaintiff -- or Plaintiffs are not in agreement with.

6 MR. FREEDMAN: Sure, Your Honor.

7 So if you take a look at Page 1 -- the lines are not
8 on my sealed exhibit, but I'm looking at the one with
9 highlights and red lines.

10 Do you see that one, Your Honor?

11 THE COURT: Yes.

12 MR. FREEDMAN: And so I'm in the second set of red
13 lines down from the top.

14 Ms. Glaser says: "Thank you." And then the words:
15 "1933." And then the rest is redlined.

16 And the John Doe movant is seeking to redact the
17 balance of that line, Your Honor.

18 I can tell the Court why we can't agree to that. But
19 I don't know if you want to allow the movant to go first or --

20 THE COURT: Is that the sole dispute, is with regard
21 to that address?

22 MR. FREEDMAN: No. There's another dispute in that
23 the John Doe movant also wants to redact out the date that that
24 address was first acquired -- or generated, rather.

25 And that would be Page 5 right at the top, that first

1 redaction and highlight. And the Plaintiffs object to that
2 redaction as well.

3 THE COURT: Is it solely the date?

4 MR. FREEDMAN: Yes, Your Honor.

5 THE COURT: All right. So nothing other than the date
6 is objected to in terms of that you cannot agree to redact that
7 portion.

8 MR. FREEDMAN: So the redaction starts on the second
9 line and ends halfway through it. So we would object to that
10 full redaction, Your Honor.

11 THE COURT: Any other issues?

12 MR. FREEDMAN: I don't believe so, Your Honor. I
13 think that's it, but I'll do one more pass if you give me 10
14 seconds.

15 (Pause in proceedings.)

16 MR. FREEDMAN: Yes, Your Honor. That's all for the
17 Plaintiffs.

18 THE COURT: And Mr. Rivero, am I correct that the
19 Defendant is in agreement with the redactions?

20 MR. RIVERO: Judge, Ms. McGovern's going to address
21 this.

22 THE COURT: Oh, Ms. McGovern. Yes.

23 MS. MCGOVERN: Your Honor, do you mind if I sit down
24 while I'm speaking with you?

25 THE COURT: Not at all.

1 MS. MCGOVERN: Okay. No disrespect.

2 We agree with the Plaintiffs' objection to the
3 redaction on Page 5.

4 We also, however, object to the redaction on Page 4,
5 Your Honor, which I can state that it's the highlight that
6 begins: "How did you obtain the Bitcoin that were in that
7 address?"

8 And the answer is: "I bought them on Mt. Gox."

9 We object to that redaction. We also object --

10 THE COURT: I would request, Ms. McGovern, that --
11 right now, this document is under seal.

12 MS. MCGOVERN: Oh, I apologize.

13 THE COURT: So I've taken great pains during this
14 proceeding, and I would expect the professionals to take those
15 same precautions as well, that there is no need to refer to any
16 of the testimony, unless it's absolutely necessary. So we are
17 all looking at the same document.

18 MS. MCGOVERN: You are absolutely right. And I
19 apologize. I was sort of trying to be helpful. But you're
20 right.

21 THE COURT: That's not helpful.

22 MS. MCGOVERN: I apologize, Your Honor.

23 Our objection -- just to refer to the pages, then --
24 is Page 4, Page 5, both redactions, Your Honor. And the --
25 that is it.

1 THE COURT: All right.

2 Ms. Glaser or Mr. Payne?

3 MS. GLASER: Your Honor, I will try to be brief. I
4 have huge respect for everybody's time and we are not players
5 in this lawsuit as all.

6 This lawsuit, however, has, for better or worse,
7 gotten a tremendous amount of publicity. And in a highly
8 publicized trial, people are going to wonder who is John Doe.

9 Under these circumstances, in our view, it is
10 imperative that as little as possible be disclosed about
11 John Doe. So I want to talk about several things that have
12 been identified here, if I'm understanding correctly.

13 John Doe's date of birth is not an issue. Everybody
14 agrees that can be deleted. I believe that's my understanding
15 from what I've just heard from both sides.

16 THE COURT: That's correct.

17 MS. GLASER: So I'm going to skip that argument.

18 The full Bitcoin address associated with John Doe.
19 This is a fact that could be used to determine John Doe's
20 identity. While the Bitcoin address may be, as Plaintiffs have
21 argued, famous, it has not been and should not be associated
22 with John Doe. The parties used a four-digit address, 1933, at
23 deposition and can do so here. It would not impair, from our
24 vantage point at all, their presentations to do so and help
25 protect John Doe.

1 Now, the date of creation of the 1933 address, this is
2 another fact that, pieced together with others -- I'm not
3 suggesting -- I'm not foolish enough to suggest that one little
4 fact alone is significant, but the date of creation could be
5 used to determine John Doe's address.

6 The fact that John Doe knows the information -- I'm
7 going to use as an example, without reference to anything
8 else -- for example, in his depo, he said that could link him
9 to that address, which makes a redaction of the full Bitcoin
10 address even more imperative.

11 Now, how John Doe obtained the Bitcoin that went into
12 the Bitcoin address. I think everybody's agreeing that the
13 place of purchase is out. Am I correct? So I won't bother to
14 waste your time with that.

15 THE COURT: That is correct.

16 MS. GLASER: Great.

17 The amount of Bitcoin in the -- at the Bitcoin address
18 at any point in time. I think everybody's agreeing that that's
19 out. Am I correct?

20 THE COURT: That's correct.

21 MS. GLASER: Okay. Next. Regulatory proceedings that
22 may have involved -- may have -- John Doe. He was asked
23 certain questions at a depo, presumably -- everything's fine --
24 they're entitled to do this --

25 THE COURT: Ms. Glaser, I'm going to try to

1 short-circuit this because I've heard from Mr. Freedman and
2 I've heard from Ms. McGovern, and it appears the only issues
3 that the parties have a concern with and believe that it should
4 be disclosed as part of the testimony is the full address and
5 the date of the acquisition. Am I correct?

6 MR. FREEDMAN: Your Honor, yes. I noted -- I don't
7 know how I missed this the first time, but the generation of
8 the address, the date that the address was created, it is also
9 mentioned right at the bottom of Page 1. It's not
10 substantively different, but it's the same issue that
11 Plaintiffs have taken.

12 THE COURT: But those are the two pieces of
13 information, as I understand, that the parties wish to publicly
14 disclose; is that correct?

15 MR. FREEDMAN: For the Plaintiffs, yes, Your Honor.

16 THE COURT: Is that correct, Ms. McGovern?

17 MS. MCGOVERN: Yes, it is, Your Honor.

18 THE COURT: All right. So we don't need to go through
19 the rest of the testimony. The parties are in agreement with
20 your proposed redactions.

21 MS. GLASER: Then I will shut up, except with
22 respect --

23 THE COURT: Well, I don't want you to shut up. I just
24 really want to somewhat compress the argument when it's not
25 necessary.

1 MS. GLASER: Last argument, then.

2 When it was created. When it was created is not in
3 and of itself a disclosure of who John Doe is. It is a fact
4 that, as far as we know, is completely irrelevant, especially
5 in light of his other testimony that was given in his depo. We
6 established it's his account. He's never transferred it, et
7 cetera.

8 In our view, please leave that out. I urge the
9 parties to agree to that because it is just clearly a piece of
10 information that will be used against our guy.

11 I have nothing further, Your Honor. I very much
12 appreciate the time.

13 THE COURT: All right.

14 Mr. Freedman?

15 MR. FREEDMAN: Your Honor, so starting with the first
16 issue, which is the full Bitcoin address, first of all, I'd
17 note, Your Honor, that it's called a public address for a
18 reason.

19 This address is publicly available on the blockchain.
20 Not only is it publically available on the blockchain, but a
21 simple Google search with the first numbers of this address
22 will reveal the full address because it is a famous Bitcoin
23 address.

24 THE COURT: So if it is so famous, and it's identified
25 publicly as "1933," are there other Bitcoin addresses that are

1 referenced as "1933"?

2 MR. FREEDMAN: There are some. But this is the most
3 famous of them.

4 THE COURT: Right. So if this is the most famous,
5 then I'm just questioning why it can't be referred to as
6 "1933" -- why all of the other numbers and sequence with regard
7 to the public address need to be disclosed as part of the
8 Plaintiffs' case.

9 MR. FREEDMAN: Because, Your Honor, the documents in
10 the case that we intend to use during the case use the entire
11 public address.

12 THE COURT: But if there is an agreement that the 1933
13 is in and of itself exclusive and that there are not multiple
14 1933 addresses, then what seems to be the issue if you're
15 disclosing a document that has the full number, but it states
16 "1933" and the parties agree that that "1933" is identified
17 with regard to this full address, what seems to be the issue
18 with curtailing it for purposes of this witness?

19 MR. FREEDMAN: Your Honor, for two reasons: One is
20 that the exhibits in the case that we will be using in the case
21 have the entire address, and the testimony should match the
22 exhibits in the case. The exhibits in the case don't reference
23 just the 1933 address. They reference the entire string of
24 numbers and letters.

25 THE COURT: But those exhibits don't relate to this

1 individual, correct?

2 MR. FREEDMAN: Your Honor --

3 THE COURT: Those exhibits are being presented through
4 other witnesses, right?

5 MR. FREEDMAN: They are being presented through other
6 witnesses. But Your Honor, the purpose of John Doe's testimony
7 is to prove that these documents are fraudulent and fake.

8 And so if there's not a direct match, it weakens the
9 Plaintiffs' case. And that is why the -- John Doe's testimony
10 is being offered, to show that documents -- by the way, Your
11 Honor, which have been publicly filed on the docket -- I can
12 direct the Court to those publicly filed pages -- are
13 fraudulent documents and the effect of that is lost if the
14 witness says: "1933" and the address appears in full on the
15 document.

16 THE COURT: Well, are the parties able to stipulate
17 that the "1933" referenced by this John Doe is, in fact, the
18 full address that is referenced on whatever document you're
19 seeking to introduce and that would somewhat quell any concern
20 on behalf of counsel for this individual?

21 MR. FREEDMAN: Your Honor, Plaintiffs would be willing
22 to do that.

23 MS. MCGOVERN: Defense would be willing to do that.

24 THE COURT: All right. Then that resolves that.

25 Now we have the date. Is the date critical?

1 MR. FREEDMAN: Your Honor, it is, because --

2 THE COURT: Well, I certainly believe that with the
3 address being curtailed that there can be no discernable way to
4 somewhat associate the date of purchase by this John Doe with
5 this address.

6 So Ms. Glaser, would you agree that at this point the
7 date is somewhat not an issue anymore?

8 MS. GLASER: Well, I would certainly -- Your Honor,
9 I'm not going to stipulate to that because I have a very
10 nervous client. But I understand Your Honor's point.

11 THE COURT: All right. So then I believe that we have
12 an agreement, and that is that the parties will stipulate at
13 the appropriate time -- and, Ms. Glaser, I'll have you work
14 with Mr. Freedman and Ms. McGovern so you can submit a
15 stipulation to the Court. I'll be more than happy to read
16 it -- that the full address is the same address as this
17 witness, who references address number 1933.

18 MR. FREEDMAN: Your Honor, there's just one other
19 housekeeping issue with regards to this, which is the jury's
20 going to be read a deposition that identifies a John Doe.

21 And I think there needs to be some kind of information
22 given to the jury of why this person -- I think it can be as
23 simple as: "The Court has determined that for this witness's
24 personal safety, his name is going to be anonymized." But I
25 think some context has to be given.

1 THE COURT: Let me have you work on -- I'm happy to
2 say it to the jury, but I don't want to say anything that the
3 parties have not agreed to.

4 MS. GLASER: Your Honor, just one question: May I
5 inquire through you, Your Honor, when the parties expect -- so
6 we know how quickly we have to work -- to use his testimony?

7 THE COURT: Mr. Freedman?

8 MR. FREEDMAN: Your Honor, I don't know at this point.

9 THE COURT: But will it be today?

10 MR. FREEDMAN: It will not be today.

11 THE COURT: All right. So let's work on it tonight,
12 so we can have something for the Court tomorrow.

13 Is there anything further we need to address with
14 regard to Docket Entry 759?

15 MS. GLASER: I have nothing further. Thank you.

16 THE COURT: Okay. Then it's granted in part and
17 denied in part for reasons stated on the record.

18 Have a nice afternoon.

19 MS. GLASER: Thank you very much.

20 MR. PAYNE: Thank you very much, Your Honor.

21 THE COURT: All right. It is 10:00. We have all the
22 jurors here.

23 Are we ready to proceed on behalf of the Plaintiffs?

24 MR. BRENNER: Your Honor -- yes -- I just want to
25 introduce Samantha Licata. She's been here before, but she's

1 an attorney in our office, and she's sitting here now. I
2 wanted to --

3 THE COURT: All right. Good morning.

4 MR. RIVERO: We're ready to proceed, Your Honor.

5 MR. FREEDMAN: We're otherwise ready, Your Honor.

6 THE COURT: All right. And I know you stated that
7 Mr. Kleiman is going to be testifying today. Is he going to be
8 joining us this morning?

9 MR. BRENNER: Yeah. Mr. Kleiman is on his way down.
10 He lives up in Palm Beach Gardens, I think is the actual city.
11 But -- so he -- I expect we're going to play two videos and
12 then put Mr. Kleiman on -- two videos total are, I think, just
13 about an hour 45.

14 THE COURT: All right. I just want to make sure we
15 don't have gaps in time.

16 So the Plaintiffs are ready to proceed?

17 MR. BRENNER: Yes.

18 THE COURT: Okay, then.

19 Let's bring in the jury.

20 (Before the Jury, 10:01 a.m.)

21 THE COURT: Good morning, Members of the Jury.
22 Everybody please be seated.

23 It's good to see each of you. Thank you for being so
24 prompt. It's a beautiful day today.

25 Let me state before we begin, that during our recesses

1 and, of course, lunch, and as you come into the courthouse and
2 leave the courthouse, you may see the attorneys and perhaps you
3 see the parties to this action, and -- whether it's in the
4 elevator or outside, and you may notice that they are not
5 exchanging pleasantries.

6 Please don't be offended. Please understand that they
7 are under a direct court order not to have any contact with you
8 either directly or indirectly. So please understand that they
9 are just complying with my order. All right?

10 As I stated, I do want you to feel comfortable by
11 bringing in beverages. We will take a recess at approximately
12 11:30. And we are going to continue now with the Plaintiffs'
13 case.

14 But I want to make sure -- Mr. Barnett, I know there
15 was a concern with the -- that you had expressed about making
16 sure that you're hearing everything. So I would just emphasize
17 to the attorneys just to speak directly into the microphone.

18 Because you're able to hear me now, sir?

19 JUROR NUMBER 6: Yes, ma'am.

20 THE COURT: All right, then. All right. Certainly.
21 On behalf of the Plaintiffs.

22 MR. FREEDMAN: Good morning, Your Honor.

23 On behalf of the Plaintiffs, we call Jamie Wilson, who
24 will testify via video deposition taken on November 8th, 2019.

25 THE COURT: All right. Thank you.

1 (Video played 10:03 a.m. - 10:49 a.m.)

2 MR. FREEDMAN: Your Honor, for Plaintiffs' next
3 witness, we're ready to call it if the Court is.

4 THE COURT: All right.

5 MR. FREEDMAN: For Plaintiffs' next witness, we're
6 going to call Mr. Jimmy Nguyen, who will testify via video
7 deposition taken on April 30th, 2020 and May 26th, 2020.

8 THE COURT: Thank you.

9 MR. FREEDMAN: Your Honor, my co-counsel is pointing
10 out that the video is a bit long. It's about an hour. So if
11 you want to take a break now or stop the video in the middle or
12 do it at the end, that's fine. But I just wanted to let the
13 Court know.

14 THE COURT: Ladies and Gentlemen, does anybody need --
15 in need of a comfort break, or are we ready to continue?

16 Okay. I think we're ready to continue.

17 MR. FREEDMAN: Thank you, Your Honor.

18 (Video played, 10:49 a.m. - 11:23 a.m.)

19 THE COURT: Could we stop now?

20 MR. FREEDMAN: Yes, Your Honor.

21 THE COURT: All right. Thank you.

22 Ladies and Gentlemen, it might be an appropriate time
23 to take a break. Let's take a 20-minute recess and I'll see
24 you back here at 11:45.

25 (Jury not present, 11:23 a.m.)

1 THE COURT: I'll see you back here at 11:45.

2 MR. FREEDMAN: Thank you, Your Honor.

3 (Recess from 11:23 a.m. to 11:43 a.m.)

4 THE COURT: Welcome back, everyone. Are we ready to
5 continue?

6 MR. BRENNER: Your Honor, I just wanted to let you
7 know that Mr. Kleiman is here in the courtroom and will be
8 ready to go on the stand at the conclusion of the video.

9 THE COURT: All right. Thank you. And good morning.
10 Scott, let me know if they're all ready to go, please.

11 (Pause in proceedings.)

12 THE COURT: All right. Let's bring in the jury.

13 (Before the Jury, 11:43 a.m.)

14 THE COURT: All right. Welcome back. Please be
15 seated and we'll continue with the testimony.

16 (Video played 11:45 a.m. - 12:12 p.m.)

17 MR. FREEDMAN: Your Honor, that's all for Mr. Nguyen.
18 And I'm going to hand it over to Mr. Brenner.

19 THE COURT: All right. Thank you.

20 MR. BRENNER: Your Honor, at this time, Plaintiffs
21 will call Ira Kleiman to the stand.

22 THE COURT: Certainly.

23 (Pause in proceedings.)

24 MR. BRENNER: Can we just have a moment to set up,
25 Your Honor?

1 THE COURT: Yes, of course.

2 MR. RIVERO: Your Honor, there was a matter -- I
3 didn't realize that we would have Mr. Kleiman so quickly --
4 that I did need to ask Mr. Brenner about. If I could have one
5 moment, Judge.

6 THE COURT: Yes. To speak with Mr. Brenner?

7 MR. RIVERO: Yes, Judge.

8 THE COURT: Of course.

9 MR. RIVERO: Thank you.

10 (Pause in proceedings.)

11 MR. RIVERO: Judge, I need to address this with the
12 Court. I didn't realize Mr. Kleiman would come up so suddenly.

13 THE COURT: All right. What needs to be addressed?

14 MR. RIVERO: There was a matter that was raised by the
15 Defense yesterday and I have a 403 motion to make.

16 THE COURT: All right. Come forward.

17 (At sidebar on the record.)

18 THE COURT: Okay. I just recall I said that we could
19 come in early. You were communicated who the witnesses were.
20 The fact that he's being called before lunch versus after
21 lunch, what's the issue?

22 MR. RIVERO: Judge, very briefly, yesterday
23 Mr. Brenner raised at the end of the day that he wanted to
24 raise a question of Mr. Kleiman's medical condition to explain
25 away his absence from trial.

1 I did forget this morning, Judge, to ask and last
2 night to ask what was the condition.

3 THE COURT: What's the condition?

4 MR. BRENNER: I believe he's going to say that when he
5 was 22 or 23 that he had a surgery; he had his colon removed.
6 It makes it difficult for him to sit long periods of time. And
7 I'm not going to ask any follow-up.

8 MR. RIVERO: Judge, the problem is removal of a colon
9 is really something that would cause sympathy for this
10 individual and I think that's a 403 problem. I don't really
11 think it's appropriate. It's not relevant to this case.

12 THE COURT: Well, I don't think it would have been
13 relevant had you not pointed out in front of the jury that he
14 was absent.

15 So in fairness, the question as to why he may not have
16 been here yesterday I think is appropriate. I don't think you
17 should go into anything other than he has a medical condition
18 that maybe affects him. Because if, in fact, he has a
19 condition that requires that he goes in and out of the
20 courtroom other than our anticipated breaks, I need to know as
21 well.

22 MR. BRENNER: The next question will be -- I'm just
23 going to say: "If you need a break at any time, just please
24 signal and let us know."

25 THE COURT: That's appropriate. And then you move on.

1 MR. BRENNER: And then I'm moving on.

2 (End of discussion at sidebar.)

3 THE COURT: All right. Ladies and Gentlemen, let me
4 advise that from time to time I will need to discuss matters
5 with the attorneys. I apologize for that white noise. I know
6 it is distracting, but it's just to ensure that we have a
7 confidential conversation that is also placed on the record.

8 All right. At this point in time, Mr. Kleiman, I'm
9 going to ask that you stand, raise your right hand to be placed
10 under oath, sir.

11 IRA KLEIMAN, PLAINTIFF, SWORN

12 COURTROOM DEPUTY: Can you please say your name and
13 spell it for the record.

14 THE WITNESS: Ira Kleiman. I-R-A, K-L-E-I-M-A-N.

15 COURTROOM DEPUTY: Thank you.

16 MR. BRENNER: May it please the Court.

17 THE COURT: Yes.

18 DIRECT EXAMINATION

19 BY MR. BRENNER:

20 Q. Good afternoon, Mr. Kleiman.

21 A. Good afternoon.

22 Q. Can you please introduce yourself to the jury?

23 A. My name is Ira Kleiman.

24 MR. RIVERO: Your Honor, we're having difficulty
25 hearing Mr. Kleiman.

1 THE COURT: Yes. Thank you. I am as well.

2 MR. BRENNER: Thank you.

3 THE COURT: Speak right into the microphone, sir.

4 MR. BRENNER: I'll start over, Judge. Thank you.

5 BY MR. BRENNER:

6 Q. Mr. Kleiman, good afternoon.

7 A. Good afternoon.

8 Q. Can you please introduce yourself to the jury?

9 A. My name is Ira Kleiman.

10 Q. Sir, have you ever testified in a courtroom before?

11 A. No, I have not.

12 Q. Okay. So just because there's some procedures you may not
13 be familiar with, let me walk you through generally what's
14 going to happen and some of the rules so we can make sure
15 everyone's complying with the Court's orders. Okay?

16 A. Okay.

17 Q. This afternoon and after lunch, I'm going to ask you a
18 series of questions. Okay?

19 A. Okay.

20 Q. And then after I get done, I believe Mr. Rivero, one of
21 Dr. Wright's lawyers, is going to have an opportunity to ask
22 you questions. Okay?

23 A. Uh-huh.

24 Q. And do you understand that you need to answer the questions
25 that both I ask you and Mr. Rivero asks you under the same

1 oath?

2 A. Yes.

3 Q. Okay. And then when Mr. Rivero has concluded, I'll have an
4 opportunity to maybe follow up briefly. Okay?

5 A. Okay.

6 Q. Now, there may be times, for example, when I'm asking you
7 questions that Mr. Rivero may lodge a legal objection. Okay?

8 A. Okay.

9 Q. If he does, I'm going to ask for you to wait for the Court
10 to rule. Do you understand that?

11 A. Uh-huh.

12 Q. And the Court is probably going to say one of two things:
13 Her Honor is either going to say: "Sustained," in which case,
14 you should not answer the question that was asked, whether it
15 be from myself or Mr. Rivero. Do you understand that?

16 MR. RIVERO: Judge, objection, Your Honor.

17 THE WITNESS: Yes.

18 MR. RIVERO: Objection, Your Honor. This is not
19 testimony. This is what this counsel should have instructed
20 his client before he walked into the court.

21 THE COURT: I agree. Let's move forward to the
22 testimony.

23 MR. BRENNER: Okay. Well, let me ask one more thing.

24 BY MR. BRENNER:

25 Q. There is a screen in front of you. Do you see that?

1 A. Yes.

2 Q. Okay. I'm going to ask you not to read anything off the
3 screen until the Court admits something into evidence. Okay?

4 A. Okay.

5 Q. Now. The -- are you aware -- you know the trial started on
6 Monday, right?

7 A. Yes.

8 Q. Were you here in court on Monday morning?

9 A. Yes, I was.

10 Q. Okay. And were you here at all yesterday?

11 A. No, I wasn't.

12 Q. Okay. And what time did you get here today?

13 A. Around 10:00.

14 Q. Okay. Can you explain to the jury why you have not been in
15 the courtroom the whole time during the trial?

16 A. Yes. When I was 23, I had a medical procedure where my
17 colon was removed. And it's difficult for me to sit for long
18 periods of time.

19 Q. Okay. And if you need a break at any time, just give a
20 signal to either myself or the Court or Mr. Rivero during his
21 questioning. Okay?

22 A. Okay.

23 Q. Okay. Let me switch topics on you and I want to talk to
24 you briefly about who Dave Kleiman was. Okay?

25 A. Okay.

1 Q. First of all, how were you related to -- do you call him
2 Dave or did you call him Dave or David?

3 A. Dave.

4 Q. Dave.

5 How were you related to Dave Kleiman?

6 A. He's my older brother.

7 Q. And did you have any other brothers or sisters?

8 A. We had one older brother named Leonard.

9 Q. Is Leonard still alive?

10 A. No, he's not. He passed away in 2011.

11 Q. And your folks, what were their names?

12 A. Louis and Regina Kleiman.

13 Q. And Regina, is she still alive?

14 A. No. She passed away in 2005.

15 Q. And Louis?

16 A. 2016.

17 Q. Can you tell the jury where you grew up?

18 A. In South Florida.

19 Q. And your brother, Dave, did he get a high school degree?

20 A. Yes, he did.

21 Q. Can you tell the jury what Dave did after high school?

22 A. I believe he joined the Army. He was stationed in
23 Schweinfurt, Germany for about three or four years.

24 Q. And just to -- I'm sorry. Go ahead.

25 A. Yeah. I believe he served as a helicopter technician.

1 Q. And just to keep a general timeline, about what year did
2 Dave go into the Army?

3 A. I think about 1986 or '87.

4 Q. And how long did he serve?

5 A. I think three years.

6 Q. And you said he was overseas. Do you know what he did in
7 the Army?

8 A. I think he was a helicopter technician.

9 Q. Okay. When Dave left the Army, what did he do next?

10 A. He returned home. I think he started a company with a
11 partner called Hackers, Inc. They did computer programming,
12 computer consulting, computer networking, computer sales.

13 Q. Okay. So I'm struck by the name of the company.

14 Were they hired to hack computers?

15 A. No. These were good hackers. They were just out to help
16 people with their computer problems.

17 Q. And how long was he in that business?

18 A. I'm not entirely sure. Just a couple years, I think.

19 Q. And what did Dave do after he left that computer business?

20 A. I think his interest shifted to become a police officer for
21 the Palm Beach Sheriff's Office.

22 Q. And did he, in fact, become a police officer with the --
23 was it Palm Beach County Sheriff's Office?

24 A. Yes, he did.

25 Q. Did he, in fact, become an officer there?

1 A. Yes, he was.

2 Q. Are we in the early '90s, I think, by the timeline?

3 A. Yeah. I think so, yes.

4 Q. Okay. And what was his -- just generally, what was his job
5 initially with the Palm Beach County Sheriff's Department?

6 A. I think he just did like road patrol.

7 Q. The jury has heard references to the fact that your brother
8 was in a wheelchair and otherwise injured.

9 Can you tell them what happened to your brother?

10 A. Yeah. He was in an off-duty motorcycle accident.

11 Q. And about what year was that?

12 A. I think 1995.

13 Q. And what was -- not in any medical detail, but what was the
14 result of that? What were his -- his injuries?

15 A. He was paralyzed from the chest down.

16 Q. Did he remain that way until he passed away?

17 A. Yes, he did.

18 Q. And he passed away -- just to get our timeline, he passed
19 away in what year?

20 A. April 26th, 2013.

21 Q. Okay. Did he spend some time in the hospital or in --
22 otherwise rehabbing after his motorcycle accident?

23 A. Yes, he did.

24 Q. And then what did he do after that?

25 A. After the hospital, I believe he returned to the Palm Beach

1 Sheriff's Office and he attained the rank of detective.

2 Q. Okay.

3 A. And I think he helped head up the computer forensics lab
4 there.

5 Q. At the Palm Beach Sheriff's Department?

6 A. Yes.

7 Q. And again, not holding you to precise dates, about how long
8 after he resumed his duties at the sheriff's department -- how
9 long did he stay there?

10 A. I think maybe three or four more years.

11 Q. And then I think that takes us close to the end of the
12 decade.

13 A. Uh-huh.

14 Q. Can you tell the jury what he did next -- what Dave did
15 next?

16 A. He worked at various computer technology companies. One I
17 recall was called Security Doc where he helped develop some
18 special encryption software. I believe it was used by NASA and
19 some other government agencies.

20 Q. Okay. And did he stay at Security Doc until he passed or
21 did he have other jobs?

22 A. No. He went to some other type of computer networking-type
23 jobs and then ultimately formed a partnership with two of his
24 friends to create Computer Forensics, LLC.

25 Q. The jury heard yesterday -- yes, yesterday -- from a

1 gentleman by the name of Patrick Paige. Is that -- do you know
2 who that is?

3 A. Yes. That was his partner at Computer Forensics, LLC.

4 Q. Okay. Okay. I want to shift gears a little bit and move
5 on to another topic. Okay?

6 A. Okay.

7 Q. The jury has been instructed by the Court or told by the
8 Court that there are two Plaintiffs in the case. One is W&K
9 Info Defense, which is, I think, is going to be referred to as
10 "W&K" -- and the other is the estate of Dave Kleiman.

11 What -- what is your connection to the estate of Dave
12 Kleiman?

13 A. I'm the personal representative.

14 MR. BRENNER: Your Honor, at this point, I'd like to
15 publish to the jury Joint Exhibit 2022 and move it into
16 evidence.

17 THE COURT: All right. It is a joint exhibit. It's
18 admitted into evidence.

19 (Joint Exhibit 2022 received into evidence.)

20 THE COURT: And you may publish.

21 MR. BRENNER: Thank you, Your Honor.

22 BY MR. BRENNER:

23 Q. Okay. First of all, you can see okay?

24 A. Yes.

25 Q. Okay. Great.

1 What is this document?

2 A. That appears to be my brother's will.

3 Q. Okay.

4 MR. BRENNER: Dorian, if you could go to the fourth
5 page of the document, which is actually the third page of the
6 will.

7 BY MR. BRENNER:

8 Q. And, Mr. Kleiman, to be clear and so the jury's clear,
9 we'll have red boxes on these. Those red boxes are put there
10 by me so we can direct our attention to it. They're not part
11 of the actual document.

12 A. Okay.

13 Q. Okay. You see the line there that says: "David Alan
14 Kleiman" that has a signature on it?

15 A. Yes, I do.

16 Q. Do you recognize that signature?

17 A. Yes. That's my brother's handwritten signature.

18 Q. And then the date of the will is what?

19 A. July 30, 2003.

20 Q. Okay. As far as you know, was this the only will in
21 existence at the time your brother passed?

22 A. Yes, it was.

23 Q. As far as you know, were there ever any changes made to
24 this will after it was executed?

25 A. Not to my knowledge.

1 Q. Okay.

2 MR. BRENNER: Ms. Vela, if you could go to the third
3 page of the second -- the second page of the will. One page
4 up.

5 There you go.

6 BY MR. BRENNER:

7 Q. Okay. Let me ask you a couple questions about this page.
8 In the middle there, the middle box, do you see that?

9 A. Yes.

10 Q. It says: "I recognize that Joseph S. Karp is my attorney
11 and ask him to draft this last will." Do you see that?

12 A. Yes, I do.

13 Q. Okay. Who is Joseph Karp?

14 A. He's a lifelong friend of the family. My mother used to
15 babysit him when he was a child.

16 Q. And is he -- was he the attorney that helped draft this
17 will, as far as you know?

18 A. Yes, he was.

19 Q. And is he the attorney that represented the estate after
20 your brother passed?

21 A. Yes.

22 MR. BRENNER: If you could collapse that down, please,
23 Ms. Vela.

24 Let's go to -- a little bit down there, it says:
25 "9th." The bottom block.

1 Thank you.

2 BY MR. BRENNER:

3 Q. Okay. So, Mr. Kleiman, can you just read the first
4 sentence of that?

5 A. "I hereby nominate and appoint my brother and my mother,
6 Ira Steven Kleiman and Regina Kleiman, or the survivor
7 co-personal representatives of my estate."

8 Q. Okay. Is it your understanding this was your brother's
9 choice who would be the personal representatives of the estate?

10 A. Yes, it is.

11 Q. Okay. Now, when your brother passes, is your mom -- your
12 mom's no longer alive?

13 A. That is correct.

14 Q. Okay. So since your brother's passing, have you been the
15 sole personal representative of the estate?

16 A. Yes, I have.

17 Q. Okay.

18 MR. BRENNER: You could take that down, please.

19 BY MR. BRENNER:

20 Q. Did there come a time when a court appointed you as --
21 formally appointed you as the personal representative of the
22 estate?

23 A. Yes. I believe when we opened probate, I think, in 2016.

24 Q. Okay. So --

25 MR. BRENNER: If you -- Ms. Vela, if you could publish

1 to the witness and counsel only.

2 BY MR. BRENNER:

3 Q. Just -- again, just because the jury is not -- it's not
4 been admitted into evidence, can you describe --

5 MR. BRENNER: This is P863, Your Honor.

6 THE COURT: Thank you.

7 BY MR. BRENNER:

8 Q. Can you tell the jury what this is?

9 A. It's the appointment of myself as personal representative
10 of my brother's estate.

11 MR. BRENNER: Your Honor, at this time, the Plaintiffs
12 would move P863 into evidence.

13 MR. RIVERO: Without objection, Your Honor.

14 THE COURT: I'm sorry. Did you say: "Without
15 objection"?

16 MR. RIVERO: Yes. Just a little hard with the mask.

17 THE COURT: Not a problem.

18 MR. BRENNER: I think he said: "Without objection."

19 THE COURT: Admitted into evidence.

20 (Plaintiffs' Exhibit 863 received into evidence.)

21 MR. BRENNER: Could we have that published to the
22 jury, please.

23 It's 863, Your Honor.

24 THE COURT: Yes.

25 MR. BRENNER: Is that up?

1 Yeah. Thank you.

2 BY MR. BRENNER:

3 Q. Mr. Kleiman, I want to focus on -- well, first of all, the
4 whereas clause, can you read that to the jury?

5 A. "Whereas, Ira Steven Kleiman has been appointed personal
6 representative of the estate of the decedent and has performed
7 all sets prerequisite to issuance of letters of administration
8 in the estate."

9 Q. Okay. When you testified earlier that you understood a
10 court had formalized the appointment, is this what you're
11 talking about?

12 A. Yes, it is.

13 Q. Okay.

14 MR. BRENNER: So if you could collapse that down,
15 Ms. Vela, and please bring up the second box.

16 BY MR. BRENNER:

17 Q. The -- can you read starting with "now" through -- I guess
18 it's the third-to-last line where it ends with "decedent"
19 before the semicolon.

20 A. "Now, therefore, I, the undersigned circuit judge, declare
21 Ira Steven Kleiman duly qualified under the laws of State of
22 Florida to act as personal representative of the estate of
23 David Alan Kleiman, deceased, with full power to administer the
24 estate according to law, to ask, demand, sue for, recover, and
25 receive the property of the decedent."

1 Q. Okay. What is your understanding of what the court order
2 was empowering you to do?

3 A. Basically, to pursue assets owed to the estate.

4 Q. Okay. And is the lawsuit here today brought pursuant to
5 your authority granted here as personal representative?

6 A. Yes, it is.

7 Q. Okay. And the bottom we have highlighted, that's just the
8 judge's signature?

9 A. Yes.

10 Q. Okay.

11 MR. BRENNER: You can take that down, please.

12 BY MR. BRENNER:

13 Q. Now, although the Plaintiff here -- or one of the
14 Plaintiffs; we'll put W&K to the side for just a moment --
15 although one of the Plaintiffs here is the estate of Dave
16 Kleiman and not yourself personally, do you, yourself, have a
17 financial interest in the outcome of the litigation?

18 A. Yes, I do.

19 Q. Okay.

20 MR. BRENNER: Ms. Vela, if we could bring back up
21 JE22, which is already in evidence, and I want to highlight the
22 fifth -- yes.

23 Thank you so much.

24 BY MR. BRENNER:

25 Q. Mr. Kleiman, can you read that to the jury, please?

1 A. "I give and devise to my brother, Ira Steven Kleiman, all
2 of the rest, residue, and remainder of my estate, of whatsoever
3 kind and wheresoever situated, which I may own or have the
4 right to dispose of at the time of my death, to be his
5 absolutely and forever."

6 Q. So even as a lawyer, some of that language is a little
7 hairy to me.

8 What's your understanding of what your brother's will said
9 in Paragraph 5 or the fifth -- the fifth clause?

10 A. It looks like he's leaving everything to me.

11 Q. Okay. Okay. We're going to switch topics. And we're
12 going to talk about -- we're going to go through a lot of your
13 communications with Craig Wright. Okay?

14 A. Okay.

15 Q. So let me ask some introductory questions.

16 At the time -- well, at the time your brother passed away
17 in 2013, in April of 2013, had you ever heard of Craig Wright?

18 A. No, I hadn't.

19 Q. At the time your brother passed away in 2013, had you ever
20 heard that your brother had any involvement in the creation of
21 Bitcoin?

22 A. No, I didn't.

23 Q. And at the time your brother passed away in 2013, had you
24 ever heard that your brother had mined Bitcoin?

25 A. No, I didn't.

1 Q. At the time your brother passed away in 2013, had you ever
2 heard that your brother had been involved in the development of
3 intellectual property related to Bitcoin?

4 A. No.

5 Q. Did there come a time after 2013 that you became acquainted
6 with or came in contact with Dr. -- with Craig Wright?

7 A. Yes. Around February of 2014.

8 Q. And just so we're clear, when you communicated with Craig
9 Wright, did you guys communicate with each other on a
10 first-name basis?

11 A. I believe so.

12 Q. Okay. So let's --

13 MR. BRENNER: If you could bring up -- Ms. Vela, if
14 you could bring up to the counsel and the witness P867.

15 Your Honor, 867.

16 BY MR. BRENNER:

17 Q. And let me just ask you what -- you know, describe what
18 this document is.

19 A. At the bottom there, I received a voice message from --

20 Q. Mr. Kleiman, without reading the document, just generally
21 describe -- it's an email exchange from whom --

22 A. Oh, yes. It appears to be an email from Patrick to myself.

23 Q. And one from you to him?

24 A. Yes.

25 Q. Okay.

1 MR. BRENNER: Your Honor, at this time, we would move
2 P867 into evidence.

3 THE COURT: Is there any objection?

4 MR. RIVERO: One moment, Your Honor.

5 (Pause in proceedings.)

6 MR. RIVERO: Objection. Hearsay.

7 THE COURT: And the purpose for its admission?

8 MR. BRENNER: The purpose of its admission is to show
9 the -- Your Honor, the -- starting at the second block, that is
10 a copy of an email that's already into evidence from Dr. Wright
11 to Mr. Paige that was introduced yesterday. Just showing --

12 THE COURT: To give it context?

13 MR. BRENNER: Yeah --

14 THE COURT: Overruled. I'll allow it.

15 MR. BRENNER: Okay. Thank you.

16 (Plaintiffs' Exhibit 867 received into evidence.)

17 MR. BRENNER: Can you bring that up, please.

18 Thank you, Ms. Vela.

19 BY MR. BRENNER:

20 Q. So you just said this -- this email -- well, first of all,
21 we see this dex561@yahoo.com. Who is that?

22 A. That's one of my email addresses.

23 Q. Okay. And through these documents, will we see other
24 emails for you?

25 A. Yes, you will.

1 Q. Okay. The email is to Patrick Paige. That's the computer
2 forensics person we were just talking about?

3 A. That's correct.

4 Q. Okay. And can you read that to the jury and just -- let me
5 step back.

6 The date of this is February 12, 2014?

7 A. Yes.

8 Q. Prior to receiving this email or the phone message from
9 Mr. Paige, had you ever heard of Dr. Wright?

10 A. No, I didn't.

11 Q. Okay. So can you tell the jury what's going on here?

12 A. I received a voice message from Patrick and I'm asking him
13 what it's about.

14 Q. Okay. And does he respond to your email?

15 A. Yes, he does.

16 Q. Okay. So let's --

17 MR. BRENNER: If you could just pull up -- yes.

18 Thank you, Ms. Vela.

19 BY MR. BRENNER:

20 Q. Okay. So he responds, it looks like, the next day,
21 although it's 2:10 a.m. You see that?

22 A. Yes, I do.

23 Q. Okay. And first read the first line.

24 A. "I got an email from a friend of Dave that said -- see
25 below -- I want to discuss this with you."

1 Q. And the rest of that email starting with: "I know both of
2 you," is that written by Patrick or is he forwarding the "see
3 below," the email from the friend?

4 A. Yeah. He's forwarding a message sent from Dr. Wright.

5 Q. Okay. And we're going to -- throughout the day, we may
6 come back to the same document, but we'll focus on different
7 parts of it as we talk about different subjects.

8 Can you read starting with the email from Craig Wright,
9 which -- this is P122. Can you read the first two lines.

10 A. "I know both of you knew Dave and trusted him. Dave and I
11 had a project in the US. He ran it there. We kept what we did
12 secret."

13 Q. Okay. So let's focus on the "secret" part for a second.

14 When you get this email forwarded from Patrick Paige, did
15 you know that your brother had a project in the US with
16 Dr. Wright?

17 A. No, I didn't.

18 Q. Okay. And did you know that your brother was the one that
19 was running that project in the United States?

20 A. No, I didn't.

21 Q. Okay. The next line there says --

22 MR. BRENNER: If you could just highlight it, please.

23 BY MR. BRENNER:

24 Q. The next line there says: "The company he ran there mined
25 Bitcoin." You see that?

1 A. Yes.

2 Q. Did you know prior to receiving this email that your
3 brother was in a company with Dr. Wright to mine Bitcoin in the
4 US?

5 A. No.

6 Q. And did you even know what the name of the company or
7 anything about it was at this time?

8 A. No.

9 Q. Okay. And we'll come back to this one later.

10 MR. BRENNER: If you could take that down, Ms. Vela,
11 please.

12 Thank you.

13 BY MR. BRENNER:

14 Q. So I think Mr. Paige's email was February 13th.

15 What did you do next?

16 A. I believe I reached out to Dr. Wright.

17 MR. BRENNER: If we could bring up for the jury and
18 the witness P120, Your Honor.

19 BY MR. BRENNER:

20 Q. So I don't think you can control the scrolling of the
21 document, so I'm going to ask Ms. Vela to just scroll through
22 it, the first few pages quickly enough that you can identify
23 what it is. And you let us know when you've seen enough that
24 you could recognize it.

25 A. Yeah, I recognize it.

1 Q. Okay. Can you tell the jury what this document is, again,
2 just describing it generally?

3 A. It's an email from Dr. Wright to myself.

4 Q. Is it -- in the document, is it one email or is it a chain
5 of emails?

6 A. It's a chain of emails.

7 Q. And who are the parties to those emails?

8 A. Myself and Dr. Wright.

9 Q. Okay.

10 MR. BRENNER: At this time, Your Honor, we would move
11 in -- P120 into evidence.

12 THE COURT: Is there any objection?

13 MR. RIVERO: No objection.

14 THE COURT: Admitted into evidence.

15 (Plaintiffs' Exhibit 120 received into evidence.)

16 MR. BRENNER: Okay. I want to start -- Ms. Vela, I'd
17 like to start on Page 7 of the PDF, which ends in the Bates
18 stamp 095.

19 Thank you.

20 BY MR. BRENNER:

21 Q. So let's go through this as it reads --

22 MR. BRENNER: No. You could take that --

23 BY MR. BRENNER:

24 Q. It starts with: I am Dave's brother, Ira."

25 Is this your first email to -- well, it starts with: "Hi,

1 Craig." This is to Craig Wright?

2 A. Yes, it is.

3 Q. And the date was --

4 MR. BRENNER: If we could just scroll up to the date
5 in the previous page.

6 Well, no, it's on the bottom. It's on the bottom.

7 BY MR. BRENNER:

8 Q. February 15th?

9 MR. BRENNER: And can we just keep these both up for a
10 second?

11 BY MR. BRENNER:

12 Q. You see where your email to Dr. Wright is February 15th --

13 A. Yes.

14 Q. -- on the bottom?

15 And if you look at the top, it says that -- he has an email
16 that appears to be responding, but it's on February 14th. So
17 before you wrote your email.

18 How is it that Dr. Wright's email to you responding to your
19 email is done the day before?

20 A. It has something to do with the time difference between
21 Australia and the US.

22 Q. Okay. Do you have any doubt -- as we go through this,
23 we're going to see this same thing. I want to clear up any
24 confusion. Do you have any doubt, for example, that the two
25 emails on the screen is yours -- on the right is your email to

1 him, and his on the left is his response to you?

2 A. No doubt.

3 Q. Okay. All right.

4 MR. BRENNER: So let's just put up the one on the
5 right, please, Ms. Vela.

6 BY MR. BRENNER:

7 Q. Okay. You introduce yourself. Is that the first line?

8 A. Yes.

9 Q. Okay. And then the second line, could you read that to the
10 jury and tell them what you meant?

11 A. "I heard via Patrick that you and my brother worked on some
12 tech projects together. If what he told me is true, I would be
13 very impressed."

14 Q. What tech projects were you referring to?

15 A. I was referring to the development of Bitcoin.

16 MR. BRENNER: Okay. If we could take that down and go
17 to the next highlighted section, Ms. Vela.

18 Thank you.

19 BY MR. BRENNER:

20 Q. It says -- why don't you read the first line.

21 A. "Can I ask you if Dave played a part in writing the
22 original PDF under the Asian alias?"

23 Q. Okay. So let's talk about those two things because we have
24 two terms in there.

25 One is "the original PDF." You're asking if Dave played a

1 part in writing the original PDF. What are you talking about?

2 A. There was a document called the Bitcoin Whitepaper that the
3 inventor of Bitcoin wrote and he used an alias called Satoshi
4 Nakamoto.

5 Q. So you got one step ahead of me.

6 The original PDF you're referring to -- and the jury's
7 heard this already from other witnesses -- is the Bitcoin
8 Whitepaper from -- I think it's Halloween 2008?

9 A. Yes.

10 Q. Okay. And then the "Asian alias" reference, just could you
11 say again what that is?

12 A. Satoshi Nakamoto.

13 Q. Okay. And then why don't we just look at the last part of
14 what you say.

15 A. "I just think it would be cool to know that Dave played a
16 part in creating something so incredible."

17 Q. So if we look at the question you ask him, does Dr. Wright
18 respond to this email and answer your question?

19 A. Yes.

20 Q. Okay. So let's take a look at that.

21 MR. BRENNER: Ms. Vela, it's the next email up.

22 BY MR. BRENNER:

23 Q. Okay. Again, we've talked about the time difference.

24 So it says -- if we could look at the block, it says: "I
25 cannot say much right now, but, yes, Dave was involved with

1 that PDF."

2 Is that an answer to your question or did you understand
3 that to be an answer to your question about whether Dave was
4 involved in --

5 A. Yes. He was confirming that Dave was definitely involved
6 in creating the Bitcoin Whitepaper.

7 Q. And the second thing -- well, the second thing that you
8 referenced was the "Asian alias" and Dr. Wright writes: "He
9 had the Vistomail account."

10 First of all, who is the "he" that he is referring to, or
11 that you understood?

12 A. Dave.

13 Q. And then Dr. Wright said: "I had the GMX one." Do you see
14 that?

15 A. Right.

16 Q. What did you understand Dr. Wright was referring to when he
17 talked about the Vistomail account and the GMX one?

18 A. I learned that Satoshi Nakamoto is known for using two
19 different email addresses, and it appeared that Dave controlled
20 one of them.

21 Q. Okay. Was this the first time -- so this is -- depending
22 if we use the Australian day or US day, this was basically
23 within the first day of your communication with Dr. Wright?

24 A. Yes.

25 Q. Okay. Was this the first time that Dr. Wright had

1 confirmed to you that your brother had been, in fact, part of
2 creating the Bitcoin Whitepaper?

3 MR. RIVERO: Objection. Judge, that assumes facts not
4 in evidence and also leads.

5 THE COURT: Let's -- the objection would be sustained.
6 Let's rephrase, please.

7 BY MR. BRENNER:

8 Q. Okay. Was this -- did you have other discussions with
9 Dr. Wright, other emails with Dr. Wright where he discussed
10 with you whether or not your brother was the co-creator of
11 Bitcoin?

12 A. Yes. We had many discussions like that.

13 Q. Is this the first one of them?

14 A. Yes, it is.

15 Q. Okay.

16 MR. BRENNER: Ms. Vela, we could take that down,
17 please. Let's, again, for the witness and counsel, bring up
18 P138.

19 And if you could, Ms. Vela, if you could just slowly
20 scroll through the document enough that Mr. Kleiman will let us
21 know if he's comfortable identifying what it is.

22 THE WITNESS: Yes. I recognize it.

23 BY MR. BRENNER:

24 Q. Okay. Can you -- again, without discussing the content in
25 any detail, can you just tell the jury and the Court what this

1 document is?

2 A. It's another email exchange from Craig to myself.

3 Q. And what's the time frame?

4 A. Early 2014.

5 Q. After the ones we just looked at?

6 A. Yes.

7 Q. Okay. And generally discussing the same type of subject
8 matter we were just discussing?

9 A. Yes.

10 Q. Okay.

11 MR. BRENNER: Your Honor, at this time, we would
12 move -- Plaintiffs would move P138 into evidence.

13 MR. RIVERO: No objection.

14 THE COURT: Admitted into evidence.

15 (Plaintiffs' Exhibit 138 received into evidence.)

16 MR. BRENNER: Okay. If we could publish that to the
17 jury.

18 Okay. So if you could go to -- go to the third page,
19 please.

20 BY MR. BRENNER:

21 Q. Okay. So let's orient where we are.

22 The -- look at that email, first of all, the
23 craig@rcjbr.org. Do you see that?

24 A. Yes.

25 Q. Do you recognize that email address?

1 A. Yeah. We exchanged many communications and he used that
2 email address.

3 Q. And the way the emails get printed sometimes, it doesn't
4 show who this is to, but was this an email that you received
5 from Craig Wright on or about March 7th, 2014?

6 A. Yes, it is.

7 Q. Okay. Can you read the first highlighted block -- you know
8 what? Why don't you read the whole thing and then explain to
9 the jury what you understood Dr. Wright was communicating.

10 A. "I had math skills and some coding that, frankly, was crud.
11 Better than some, but, really, Dave could edit his way through
12 hell and back. I'm not a team player. I'm a terrible boss and
13 slave driver, but with Dave, I was far more. Satoshi was a
14 team. Without the other part of that team, he died."

15 Q. What was your understanding of what Dr. Wright was
16 communicating to you?

17 A. He was telling me that he contributed towards programming
18 some of the development of Bitcoin as well as Dave by saying:
19 "Dave could edit his way through hell and back."

20 Q. And the last -- oh, I'm sorry. Were you done with your
21 answer?

22 A. Yes.

23 Q. Okay. The last part said: "Satoshi was a team. Without
24 the other part of that team, he died."

25 What did you understand Dr. Wright was telling you?

1 A. Basically, when my brother died, so did Satoshi.

2 Q. Okay.

3 MR. BRENNER: Okay. If we could go to the one that
4 ends in 889, which I think is just one page up.

5 BY MR. BRENNER:

6 Q. This email appears -- I guess it's the same day from
7 Dr. Wright. Had you had any exchange between these two emails?

8 A. Yes.

9 Q. Okay. And I want to focus on what Dr. Wright is saying to
10 you. Okay?

11 A. Okay.

12 Q. First of all, he says: "It is not" -- do you remember --
13 and if you need to go back and look at the email, we can show
14 it. But do you remember what he was talking about with: "It
15 is not, I'm far from humble"?

16 A. Yeah. Basically he was saying that it wasn't all of, you
17 know, Craig. It was -- without Dave's participation, he
18 couldn't have executed developing Bitcoin.

19 MR. RIVERO: Objection. Judge, I move to strike.
20 This is speculating about the meaning, the intent of the other
21 person.

22 THE COURT: Why don't we show the exhibit that's in
23 evidence. I think there is -- is there an email that's before
24 that that's part of this exhibit?

25 MR. BRENNER: Sure. We could do that.

1 THE COURT: The objection is sustained.

2 MR. BRENNER: Let's go back. I guess it was in
3 between the two we were just looking at.

4 I think it's the one that -- no. No. No.

5 Go to 889, please.

6 Okay. Go up.

7 All right.

8 BY MR. BRENNER:

9 Q. So let's just track it through.

10 We had the email in between, you write on the bottom
11 there -- well, you know --

12 MR. BRENNER: You know what? Let's go down so we can
13 make sure we're not skipping one.

14 BY MR. BRENNER:

15 Q. Okay. So we had looked at the email that's on the board
16 that said: "I had math skills." You see that?

17 A. Yes.

18 Q. And now I want to --

19 MR. BRENNER: Just to give context, let's show your
20 response, which actually starts on the previous page.

21 BY MR. BRENNER:

22 Q. On the bottom, you write: "What the F? I thought humility
23 was not your strong suit." You see that on the bottom?

24 A. Yes.

25 Q. You write: "I understand Dave may have helped you in many

1 ways, but the idea was yours. As we speak, journalists around
2 the world are in a frenzy searching for the person who came up
3 with the idea, not the team behind it. The crown is yours to
4 claim if you ever choose to. Satoshi lives and prospers."

5 Was that your response to --

6 A. Yes, it was.

7 Q. What?

8 A. Yes.

9 Q. Okay. And now if we go to the -- does that now give
10 context to why you were -- why he's responding to the -- I
11 guess you use "humility" and he used the word "humble"?

12 A. Correct.

13 Q. And he -- we read part of it. Can you read starting with
14 the: "I had an idea" part?

15 A. "I had an idea, but it would never have executed without
16 Dave."

17 Q. Okay. And the "it," what did you understand Dr. Wright was
18 talking about when he said: "It would have never executed
19 without Dave"?

20 A. The development of Bitcoin as Satoshi Nakamoto.

21 Q. Okay. Now, we've just looked at emails from February and
22 March of 2014.

23 MR. BRENNER: You can take that down, please.

24 BY MR. BRENNER:

25 Q. And we'll go through some of these as we get through the

1 examination. But did you have more communications with
2 Dr. Wright over the next 12 to 18 months?

3 A. Yes, I did.

4 Q. Did you have communications -- in addition to emails, did
5 you also have verbal, whether it be by Skype or telephone
6 conversations?

7 A. Yes, I did.

8 Q. Which were more frequent?

9 A. I believe we had a few more Skype conversations.

10 Q. Not between Skype and telephone, meaning between email and
11 between verbal communication.

12 A. Oh. Much more email communications.

13 Q. Okay. That was your general form of communication,
14 although there were some calls or Skypes?

15 A. Yes.

16 Q. Okay. At any time over that 12- to 18-month period, did
17 Dr. Wright say to you -- essentially change this part and say:
18 "No. Actually, Dave was not part of the team that formed
19 Satoshi Nakamoto"?

20 MR. RIVERO: Judge, objection. This is the Plaintiff
21 in the case and his counsel is leading him.

22 THE COURT: Sustained.

23 BY MR. BRENNER:

24 Q. Okay. Was there ever a time where a message different than
25 what we just looked at regarding Satoshi Nakamoto -- was there

1 ever a time, one way or the other, where Dr. Wright conveyed a
2 different message?

3 A. No. He never did.

4 Q. Okay.

5 MR. BRENNER: Your Honor, can I go into the next
6 subject? You want me to -- it's probably 20 minutes, the next
7 subject.

8 THE COURT: Is this a good time?

9 MR. BRENNER: It would be a great time.

10 THE COURT: All right.

11 Then, Ladies and Gentlemen, at this point in time, we
12 will take a recess for lunch and I'll see you back here at
13 2:00. Have a pleasant lunch.

14 MR. BRENNER: Thank you, Your Honor.

15 (Jury not present, 12:55 p.m.)

16 THE COURT: Anything we need to address?

17 MR. BRENNER: Not for the Plaintiffs, Your Honor.

18 MR. RIVERO: No, Your Honor.

19 THE COURT: All right. See you back here at 2:00.

20 (Recess from 12:55 to 2:00 p.m.)

21 (Jury not present.)

22 THE COURT: All right. Welcome back. I hope everyone
23 had a nice lunch.

24 Is there anything we need to address before we bring
25 the jury back?

1 MR. RIVERO: Judge, one request.

2 THE COURT: All right.

3 MR. RIVERO: My friend and colleague, Andrew, is a
4 very experienced lawyer. But this is his client. This is a
5 really critical moment in the trial. And I would request that
6 the Court require that testimony come from the witness and that
7 he not be led to his answers.

8 THE COURT: Yes. I sustained each of your objections
9 on grounds of leading.

10 MR. RIVERO: No. You have, Judge, but I don't want to
11 interrupt constantly because it can look like I'm trying to
12 hide something when -- I mean, Mr. Brenner is a very good and
13 experienced lawyer. And if the Court wants, I'll object each
14 time, but I think --

15 THE COURT: Mr. Brenner, it's an elementary
16 evidentiary point. Could you stop leading the witness?

17 MR. BRENNER: I'm certainly not doing it on purpose
18 and I will certainly to not to --

19 THE COURT: All right. Let's make a concerted effort,
20 and if you feel the need to object, then you may certainly do
21 so.

22 All right. Let's bring in the jury.

23 (Before the Jury, 1:59 p.m.)

24 THE COURT: All right. Welcome back, Members of the
25 Jury. Please be seated. I trust you had a pleasant lunch and

1 ready to get back to work.

2 And we'll continue with the direct examination of
3 Mr. Kleiman.

4 MR. BRENNER: Thank you, Judge.

5 May I proceed?

6 THE COURT: You may.

7 DIRECT EXAMINATION [CONTINUED]

8 BY MR. BRENNER:

9 Q. Good afternoon, Mr. Kleiman.

10 A. Good afternoon.

11 Q. Follow up just really briefly on one thing I asked you
12 about earlier. I'd asked you what were your brother's injuries
13 very generally and I think you said he was paralyzed from the
14 chest down, right?

15 A. Correct.

16 Q. Okay. Did he lose -- did he lose use of his arms or hands
17 as a result of the motorcycle accident?

18 A. No, he did not.

19 Q. And did he have any -- trying to think -- any mental
20 deficit? Did he lose any of his brain power?

21 A. Absolutely not.

22 Q. Okay. Switching topics, I want to talk to you about two
23 things. The ATO. First of all, are you familiar with what the
24 term "ATO" is?

25 A. Yes. The Australian Tax Office. It's like our IRS.

1 Q. Okay. And then the other one -- we're also going to talk
2 about, W&K, who is the other Plaintiff. Okay?

3 A. Okay.

4 Q. All right.

5 MR. BRENNER: Ms. Vela, if you would bring up for the
6 witness P862.

7 BY MR. BRENNER:

8 Q. Mr. Kleiman, again, I'm going to ask Ms. Vela to scroll
9 through it enough to make sure that you're familiar with what
10 the document is.

11 A. Okay. I recognize it.

12 Q. Okay. Again, without revealing the content of the
13 document, can you please explain what P862 is?

14 A. It's an email from Andrew Miller at the ATO.

15 Q. And to whom?

16 A. To myself.

17 Q. And the date?

18 A. April 15, 2014.

19 Q. And again, just this subject matter, what is it pertaining
20 to?

21 A. Yeah, they're sending me a list of questions to the
22 executor of the estate.

23 Q. And what are the questions about?

24 MR. RIVERO: Objection, Judge. We have an objection
25 to the exhibit. So I don't think information from it should be

1 published. So it's hearsay.

2 THE COURT: Have you asked all of your foundational
3 questions?

4 MR. BRENNER: Nope. I have one -- I just did -- it's
5 the one I just asked.

6 THE COURT: All right. The objection is overruled at
7 this point.

8 BY MR. BRENNER:

9 Q. What is the -- again, without revealing the contents, what
10 is the subject matter?

11 A. Questions related to the W&K Info Defense Research company.

12 MR. BRENNER: At this time, we would move Plaintiffs'
13 862 into evidence.

14 MR. RIVERO: Judge, this is an out-of-court statement.
15 Classic out-of-court statement. Hearsay.

16 THE COURT: Mr. Brenner, in response?

17 MR. BRENNER: Your Honor, would you like me to do it
18 at sidebar or would you like me to --

19 THE COURT: Is it being offered for the truth?

20 MR. BRENNER: It is not being offered -- no, it's
21 being offered -- no, I think the answer is --

22 THE COURT: What is the purpose this is being offered
23 for, sir?

24 MR. BRENNER: It's being offered to show the questions
25 that the ATO was asking Mr. Kleiman as the executor of the

1 estate relating to the other Plaintiff in the case.

2 THE COURT: The objection is overruled.

3 MR. BRENNER: May I publish to the jury?

4 THE COURT: You may.

5 It will be admitted as Plaintiffs' Exhibit 862 into
6 evidence.

7 MR. BRENNER: Thank you.

8 (Plaintiffs' Exhibit 862 received into evidence.)

9 BY MR. BRENNER:

10 Q. Mr. Kleiman, the first page is on the screen. Can you --
11 let's go to the part in the box there. Do you see that?

12 A. Yes.

13 Q. Okay. What was -- why don't you read it?

14 A. "The Australian Taxation Office is conducting third-party
15 inquiries in relation to ongoing compliance activities. We
16 would appreciate your assistance in responding to the attached
17 request for information.

18 "Your details have been provided to us by a former
19 colleague of Mr. Kleiman. We have also provided documents to
20 you in your capacity as executor for the director of W&K Info
21 Defense Research to assist you in answering our inquiries."

22 Q. Okay. If we could focus on the sentence that says: "Your
23 details have been provided to us by a former colleague of
24 Mr. Kleiman"?

25 A. Yes.

1 Q. After reviewing -- well, let me ask you this: The
2 document, is it more than just this one page?

3 A. Yes, it is.

4 Q. Okay. And we'll go through some of it.

5 But did you -- upon your review of the whole document, when
6 you received it, did you come to an understanding who the
7 former colleague was of Mr. Kleiman who had, as it says,
8 provided your details to the ATO?

9 A. Yes. I believed it to be Dr. Wright.

10 Q. Okay. And when it says: "Your capacity as executor for
11 the director of W&K Info Defense Research, LLC," do you see
12 that?

13 A. Uh-huh.

14 Q. What is your understanding of why they were reaching out to
15 you?

16 A. Because I am listed as the executor of the estate.

17 Q. Okay. And the estate, when you say: "The estate," what is
18 the estate?

19 A. My brother's estate.

20 Q. And the term "executor," I don't think we've seen that
21 before. What was your understanding of term "executor"?

22 A. Like the personal representative.

23 Q. Okay. This references at the -- where it says: "We would
24 appreciate your assistance in responding to the attached
25 request for information," was there -- one of the attachments

1 actually a request for information?

2 A. Yes.

3 Q. Okay. So before we get to that, let me ask you just some
4 questions.

5 Prior to receiving this on April 15th, 2014, prior to that,
6 had you yourself ever individually in your own capacity been a
7 taxpayer in Australia?

8 A. No, I have not.

9 Q. Same question, same preface: Had you yourself prior to
10 April 15th, 2014 -- had you yourself ever done business in
11 Australia?

12 A. No.

13 Q. Same time frame, same foundation: Had you yourself ever
14 had any dealings with the ATO?

15 A. No. I have not.

16 Q. Now, same questions regarding the estate: Did you -- prior
17 to receiving this letter, had the estate of Dave Kleiman made
18 any sort of tax filings with the ATO?

19 A. No. They did not.

20 Q. Okay.

21 MR. BRENNER: So now let's go to the request for
22 information which, I think, it's the last two pages of the
23 document.

24 BY MR. BRENNER:

25 Q. And can you confirm for me -- there was the email, there is

1 what we have up here. What else was part of this packet from
2 the ATO, just generally?

3 A. A list of questions about my brother's involvement with
4 W&K.

5 Q. Right. Bad question.

6 Other than this document, which we'll go through, were
7 there other documents included in the packet that you received
8 from the ATO?

9 A. Oh, yes.

10 Q. Generally what were those?

11 A. Contracts.

12 Q. Between whom?

13 A. Between Craig and W&K.

14 Q. Okay. Great.

15 Okay. So let's start off -- is this the request for
16 information that was attached to the email that we just looked
17 at?

18 A. Yes, it is.

19 Q. Did this all come as one, for lack of a better word, one
20 big packet by email?

21 A. Yes.

22 Q. Okay. You just referenced -- and we'll just get right to
23 it. You referenced that they had -- the ATO had asked you a
24 series of questions. Are these some of the questions on the
25 first page?

1 A. Yes, it is.

2 Q. Okay.

3 MR. BRENNER: And if you could go to the next page,
4 Ms. Vela.

5 The next page, please.

6 Thank you. Great.

7 BY MR. BRENNER:

8 Q. Were those -- at least on April 15th, 2014, were those all
9 of the questions that the ATO had sent to you?

10 A. Yes. I believe so.

11 Q. So I'm going to go through some of those with you -- you
12 probably could guess it's the ones in the red boxes -- and just
13 ask you when you got this letter on April 15th, 2014, what, if
14 anything, you knew about the questions being asked, okay?

15 A. Okay.

16 Q. So the first question was: "Are you aware of the legal
17 actions taken by Dr. Craig Wright against W&K?"

18 Were you aware at that time -- aware of any legal actions
19 Dr. Craig Wright had taken against W&K?

20 A. No. I was not.

21 Q. And just to orient the jury, this is April 2014. How long
22 had you been in contact with Dr. Wright at this point?

23 A. Since the middle of February 2014.

24 Q. Okay. So about two months.

25 How would you describe the frequency or the amount of

1 contact you had had with Dr. Wright during those two months?

2 A. It was pretty frequent.

3 Q. Okay. All right.

4 MR. BRENNER: If we could go to question number --
5 let's see. We're going to go to Question Number 5.

6 BY MR. BRENNER:

7 Q. And I'll just read it and then ask you the same thing I
8 just asked. The ATO was asking you -- first of all, it says:
9 "Did Mr. Kleiman receive?" Are they talking about you or your
10 brother?

11 A. My brother.

12 Q. Okay. It said: "Did Mr. Kleiman receive an" -- and I
13 think that's -- the AU is Australian dollars -- "a \$40 million
14 bond from Dr. Craig Wright or another entity to fund the
15 projects of W&K"?

16 So by April 15th, 2014, were you aware of your brother
17 receiving a \$40 million Australian bond from Dr. Wright?

18 A. No. I was not.

19 MR. BRENNER: Let's go to Number 6.

20 BY MR. BRENNER:

21 Q. Number 6 asks: "Was W&K" -- again W&K is whom?

22 A. The company Wright and Kleiman that was --

23 Q. Okay. "Was W&K served with a statement of claim in the New
24 South Wales Supreme Court or provided judgments in these
25 cases?"

1 As of April 15th, 2014, were you aware of any statement of
2 claim or judgments in those cases?

3 A. No. I was not.

4 Q. Okay. Were -- okay.

5 MR. BRENNER: Let's go to Number 7.

6 No. Let's go to Number 8. I'm sorry.

7 BY MR. BRENNER:

8 Q. You know what? Since it was highlighted, I'll show
9 Number 7. Just so that -- Number 7, that address, whose
10 address was that?

11 A. That's where my brother lived.

12 Q. Okay.

13 MR. BRENNER: Let's go to Number 8.

14 BY MR. BRENNER:

15 Q. Okay. I believe I'm pronouncing the name right, but I'll
16 read this. It said: "Ms. Uyen Nguyen, born January 23rd --
17 January 1993, in Saigon, Vietnam" -- and then it lists the
18 California address -- "accepted the offer to be the resident
19 director of W&K on January 7th, 2013. Did Mr. Kleiman" -- who
20 is that Mr. Kleiman again?

21 A. My brother.

22 Q. Okay. "Did Mr. Kleiman request that Ms. Nguyen become the
23 director of W&K?" Were you aware -- did you have any knowledge
24 whether or not by -- on April 15th, 2014, prior to receiving
25 this packet from the ATO, whether your brother had ever

1 requested that Ms. Nguyen become the director of W&K?

2 A. No. I was not.

3 Q. Let me just ask you this: By this time, did you know of a
4 person named Uyen Nguyen?

5 A. Yes. I believe we had a couple of communications.

6 Q. Had you ever met her?

7 A. No.

8 Q. And we'll get into this a little later.

9 But what was the context of where you had, I think you
10 said, a couple communications with Ms. Nguyen?

11 A. I believe she offered assistance to help look for potential
12 Bitcoin located on my brother's drives.

13 Q. Okay. What was your understanding when you got this letter
14 of what Ms. Nguyen's relationship was with your brother, Dave
15 Kleiman?

16 A. Can you repeat that?

17 Q. Sure. When you get this letter on April 15th, 2014, based
18 on your communications with Ms. Nguyen, what was your
19 understanding of her relationship with your brother, Dave
20 Kleiman?

21 A. Yeah. I thought she was replacing my brother as director
22 of W&K.

23 Q. Okay. Bad question.

24 What was your understanding, if any, of whether Ms. Nguyen
25 knew your brother, was friends with your brother, things like

1 that?

2 A. Yes. I believe that she may have knew him.

3 Q. Okay.

4 MR. BRENNER: The next one is Number 9.

5 BY MR. BRENNER:

6 Q. It says: "Are you aware of the settlement where the
7 parties agreed that Dr. Craig Wright will accept the transfer
8 of the intellectual property held by W&K in full satisfaction
9 of the Australian dollar \$56,788,715 judgment debt?" Do you
10 see that?

11 A. Yes.

12 Q. Okay. Prior to April 15, 2014, had Dr. Wright or anyone
13 else ever told you that W&K owed Dr. Wright \$56-plus million?

14 A. No.

15 Q. Prior to April 15th, 2014, had Dr. Wright told you that he
16 had accepted the transfer of all -- excuse me -- not all --
17 accepted the transfer of the intellectual property held by W&K?

18 A. No.

19 Q. Okay.

20 MR. BRENNER: Let's go to the next one, which is
21 Number 10.

22 BY MR. BRENNER:

23 Q. So this one's addressed to you as opposed to talking about
24 what your brother may or may not have known. It said: "Did
25 you agree to or instruct Ms. Nguyen to accept the settlement in

1 these matters?"

2 Did you ever, prior to April 15th, 2014 or after April
3 15th, 2014 -- ever instruct Ms. Nguyen to accept the settlement
4 that transferred the intellectual property of W&K?

5 A. No. I didn't.

6 Q. Okay. Thank you.

7 MR. BRENNER: Take that down.

8 Okay. Number 11.

9 BY MR. BRENNER:

10 Q. It says: "W&K was registered with the Florida Department
11 of State on 14 February 2011 and was administratively dissolved
12 on 28 September 2012."

13 Did you -- again, asking you: Did you instruct Ms. Nguyen
14 to reinstate W&K on March 28, 2014?

15 So let me first ask you the question: Either before
16 April 15, 2014, on April 15, 2014, after April 15, 2014, did
17 you ever instruct Ms. Nguyen to reinstate W&K with the Florida
18 Department of State?

19 A. No. I didn't.

20 Q. Okay. The March 28, 2014, that is in the -- that is while
21 you're in communications with Dr. Wright, correct?

22 A. Yes.

23 Q. Did Dr. Wright tell you that during that period Ms. Nguyen
24 had reinstated W&K with the Florida Department of State?

25 A. I don't believe so.

1 Q. Okay.

2 MR. BRENNER: Number 12.

3 BY MR. BRENNER:

4 Q. You mentioned this before. You said there were some
5 attachments. It said: "Are you aware of the attached
6 contracts," and there's two -- there's two reference numbers.
7 Do you see that?

8 A. Yes.

9 Q. First of all, were those contracts attached to or part of
10 this packet?

11 A. Yes, it was.

12 Q. Okay. Prior to receiving this packet, did you have any
13 information regarding those contracts, their existence, their
14 terms, anything whatsoever?

15 A. No. I didn't.

16 Q. Okay. I think that's it for that. Yes.

17 MR. BRENNER: Okay. If you could bring up, please,
18 for counsel and for the witness and the Court, Plaintiffs' 156.
19 156.

20 BY MR. BRENNER:

21 Q. And again, same procedure we went through before. I'm
22 going to ask Ms. Vela to scroll through enough to where you are
23 comfortable that you can describe generally what the document
24 is. And you'll just please let us know when you've done that.

25 A. Yes. I recognize it.

1 Q. Okay. What is -- again, generally describing -- what are
2 we looking at in P156?

3 A. It's another chain of emails between myself and Dr. Wright.

4 Q. Okay. And what is it -- what is it about?

5 A. (No verbal response.)

6 MR. BRENNER: You know what? Go to the beginning one.
7 The oldest email, please.

8 BY MR. BRENNER:

9 Q. What is the beginning of this email trail? What launches
10 this email trail?

11 A. This is Dr. Wright reaching out to his Australian attorney
12 named Andrew Sommer, asking him if he can assist me in
13 answering the ATO questions.

14 Q. The ones that we just looked at?

15 A. Yes.

16 Q. Okay.

17 MR. BRENNER: Your Honor, at this point, the
18 Plaintiffs would move Plaintiffs' 156 into evidence.

19 THE COURT: Any objection?

20 MR. RIVERO: No objection, Your Honor.

21 THE COURT: Admitted into evidence.

22 (Plaintiffs' Exhibit 156 received into evidence.)

23 MR. BRENNER: Okay. Do you have up 882? Is that
24 what's on the screen now?

25 Yes. Okay.

1 BY MR. BRENNER:

2 Q. You just said this is the first email in the trail.

3 It's -- can you give the jury the date?

4 A. April 15, 2014.

5 Q. And is this the same day that you received the packet from
6 the Australian Tax Office?

7 A. Yes, it is.

8 Q. When you received that packet, what was the first thing you
9 did?

10 A. I reached out to Dr. Wright to ask him what I'm supposed to
11 do with those questions.

12 Q. Okay. And is that -- are we now caught up to the start of
13 this email trail?

14 A. Yes.

15 Q. Okay. So you said this already. It says: "Ira, Andrew
16 can help you if you want to" -- I'm sorry. "Andrew can help if
17 you want to answer the questions."

18 Just say it again who Andrew is.

19 A. Andrew Sommer was Craig's Australian attorney.

20 Q. Okay. What in this email does Dr. Wright tell you about
21 whether you have to and whether you should answer the questions
22 from the ATO?

23 A. Yeah. He says that -- that the Australian Tax Office can't
24 force me to answer.

25 Q. Okay. And then in the next paragraph, he says -- can you

1 read from the beginning with "I"?

2 A. Yeah. "I would appreciate if you do."

3 Q. And then it says: "It does not stop everyone being against
4 what Dave and I did. Even the banks are starting to attack BTC
5 now."

6 First of all -- and then it has a website link. First of
7 all, what was your understanding of BTC in that sentence that
8 Craig was writing?

9 A. BTC is like the symbol for Bitcoin.

10 Q. Okay. And then when Dr. Wright wrote to you on April 15,
11 2014: "It does not stop everyone being against what Dave and I
12 did," what was your understanding of what he was talking --
13 what was the thing he was talking about?

14 A. There was like a recurring theme about like a vendetta
15 against -- everyone against what he and Dave were working on.

16 Q. And what was it that they were working on -- or had been
17 working on?

18 A. The development of Bitcoin.

19 Q. Okay. Okay.

20 MR. BRENNER: So I want to fast-forward in this chain
21 to -- so this one's on April 15. I want to fast-forward to
22 April 23rd, which is on the bottom of Page 10.

23 No. 87 -- can you go to 878.

24 Give me one -- can I have one minute, Your Honor?

25 THE COURT: Certainly.

1 (Pause in proceedings.)

2 MR. BRENNER: Thank you.

3 Okay. So actually, this one is starting in the middle
4 of an email. Can we at least start -- if you go to the page
5 before so we can see who it's from and what the date is.

6 One page up.

7 There you go.

8 Very bottom.

9 BY MR. BRENNER:

10 Q. Okay. So April 23rd, 2014, clocktime2020@gmail.com. Who
11 is that?

12 A. It's one of my many email addresses.

13 Q. Okay. This is an email you wrote to Craig Wright. And we
14 don't know the Australian versus US time, but sometime around
15 April 23rd?

16 A. Yes.

17 MR. BRENNER: I want to go to the next page.

18 BY MR. BRENNER:

19 Q. And can you read to the jury the paragraph starting with
20 "However."

21 A. "However, since receiving the documents from the ATO and
22 spending more time reviewing them, I feel like there are
23 questionable discrepancies in the contracts between you and
24 W&K, such as Dave's signature, his resignation, transfer of all
25 accountable value, Uyen's role of director BAA projects, et

1 cetera. No need to go into details."

2 Q. Okay. Let's take this in small bites.

3 When you say: "Since receiving the documents from the
4 ATO," what documents are you referring to?

5 A. The contracts.

6 Q. Okay. The ones we just talked about from eight days
7 before, from April 15th?

8 A. Yes.

9 Q. Okay. You're eight days later. You say that -- you list
10 some questionable discrepancies. I want to just go through
11 them really quickly.

12 You say one of the discrepancies is Dave's signature. Do
13 you see that?

14 A. Yes.

15 Q. What were you talking about there?

16 A. The signature on the contract, it wasn't his handwritten
17 signature.

18 Q. Okay. The next thing you identify is his resignation.
19 What were you referring to?

20 A. It looked like he was being replaced by Uyen, a young
21 Vietnamese woman, and I took it as that he was resigning and
22 she was replacing him.

23 Q. Okay. And let me skip one because the next one says:
24 "Uyen's role of director." Is that different than what you were
25 saying with his resignation?

1 A. No.

2 Q. Okay. And so the one we skipped over says: "Transfer of
3 all accountable value." What were you -- why was that a
4 questionable discrepancy that you were identifying for
5 Dr. Wright?

6 A. Basically, it looked like all the value in W&K was being
7 transferred back to Craig, the intellectual property, the
8 software, hardware, everything --

9 Q. Okay.

10 A. -- and Bitcoin.

11 Q. Okay. And then do you know what the reference to capital
12 B, capital A, capital A projects is?

13 A. I believe that was like some type of government projects.

14 Q. Okay. And then we have -- when you said: "I do believe we
15 need to remedy the lopsided contractual exchange." What were
16 you communicating to Dr. Wright?

17 A. I was trying to reach like a fair settlement, you know,
18 just from my brief looking at the numbers.

19 Q. Okay. Did Dr. Wright respond to this email?

20 A. Yes.

21 Q. Okay.

22 MR. BRENNER: So let's go to the page that ends in
23 878.

24 BY MR. BRENNER:

25 Q. Okay. So you could see it's a response to the one that we

1 just went through.

2 MR. BRENNER: Just keep it -- keep it the full one for
3 a second, please.

4 BY MR. BRENNER:

5 Q. Okay. See on the bottom of that page, that's the one we
6 had just gone through.

7 A. Yes.

8 Q. Okay. Did you receive this response from Craig?

9 MR. BRENNER: Go one page up so we can get the date,
10 please.

11 BY MR. BRENNER:

12 Q. If you look at the bottom, again, it appears he -- the date
13 thing is before he even wrote it, but is this the response that
14 Craig wrote to you?

15 A. Yes, it is.

16 Q. Okay.

17 MR. BRENNER: If you could take that down, please.

18 Thank you.

19 BY MR. BRENNER:

20 Q. Can you read to the jury the first paragraph of that email
21 from Craig?

22 A. "I do not know what you have been told, but I think there
23 is a need to go into detail. Andrew is a tax partner with
24 Clayton Utz. I am happy for you to ask him anything. This is
25 permission for that. I am sure he will give better truth than

1 that tax office, at least more of it without filtering things."

2 Q. So let's make sure we keep our record straight.

3 The Andrew who is with Clayton Utz, is that the same or
4 different person than Andrew Sommer you talked about before?

5 A. That is the same Andrew Sommer.

6 Q. Okay. Great.

7 And what was your understanding of what Craig was asking
8 you to do or telling you here?

9 A. I think he was afraid that the ATO was feeding me false
10 information and he thought that Andrew would give me the true
11 facts.

12 Q. And Andrew was his lawyer?

13 A. Yes.

14 Q. Okay. Did you respond to that email?

15 A. Yes.

16 Q. Okay. So let's look at that.

17 MR. BRENNER: I guess we need to go up one page. We
18 keep getting unlucky with the dates.

19 BY MR. BRENNER:

20 Q. Do you respond on April 23rd?

21 A. Yes.

22 Q. And the response is to Craig Wright?

23 A. Yes.

24 Q. Okay. So let's look at it.

25 Read that to the jury, first of all.

1 A. "The information I have to work with is what you have told
2 me and the documents from the ATO office."

3 Q. Okay. Let me stop you. Let me stop you there.

4 Again, the documents from the ATO are the same or different
5 than the ones we had looked at from April 15th?

6 A. They are the same.

7 Q. Can you read the next sentence?

8 A. "From those documents, it appears clear to see a systematic
9 transfer of assets out of W&K back to you."

10 Q. And what did you mean by that?

11 A. All of the assets that were held inside W&K, such as
12 Bitcoin, software, hardware.

13 Q. Okay. And it says: "Out of W&K back to you."

14 What were -- where were the assets going?

15 A. They were going back to Dr. Wright.

16 Q. Okay. And read the last -- the last two sentences, please.

17 A. "Up until April 15, I was a complete believer in what you
18 were telling me. But you never mentioned any of the actions
19 you were taking against W&K prior to contacting us."

20 Q. Okay. So the first sentence, was that a true statement,
21 that up until April 15th -- so I guess it's two months, maybe
22 two months and a day since your first contact with Dr. Craig
23 Wright -- were you believing the things he was telling you?

24 A. Yes. I was.

25 Q. Okay. And then you say: "You never mentioned any of the

1 actions you were taking against W&K." Was that a true statement
2 at the time?

3 A. Yes. That was true.

4 Q. Okay. Now, one of the issues you just talked about was the
5 signature on the contract.

6 MR. BRENNER: So I want to bring up first the Bates
7 stamp of that document -- no, I'm sorry. First, bring up
8 the -- excuse me -- Page 18 of P862, which I believe is in
9 evidence, Your Honor.

10 COURTROOM DEPUTY: It is in evidence? I just want to
11 make sure.

12 THE COURT: It's in evidence.

13 MR. BRENNER: Thank you.

14 BY MR. BRENNER:

15 Q. Okay. So because I'm not sure everyone's memorizing
16 exhibit numbers, is this part of the packet of materials you
17 received from the ATO?

18 A. Yes.

19 Q. You've referenced a couple times there were contracts in
20 those materials. Is this one of those contracts?

21 A. Yes, it is.

22 MR. BRENNER: Let's go to the next page.

23 BY MR. BRENNER:

24 Q. Okay. So to date -- well, let's do this: The agreement is
25 between whom?

1 A. Between Dave Kleiman of W&K, Craig Wright of Craig Wright
2 R&D, and W&K Info Defense.

3 Q. Okay. And then the date of the agreement is what?

4 A. April 2nd, 2013.

5 Q. And Dave Kleiman passed away on what date?

6 A. April 26th, 2013.

7 Q. So this contract is dated three and a half weeks before his
8 death?

9 A. Yes.

10 Q. Okay.

11 MR. BRENNER: Let's look at the Bates that ends in
12 27 -- look at Page 27 of the PDF. I'm sorry.

13 BY MR. BRENNER:

14 Q. Okay. Is that the signature page on the contract?

15 A. Yes, it is.

16 Q. Okay. That signature, the one on top for Dave Kleiman, was
17 that his signature?

18 A. No. That's not his handwritten signature.

19 MR. BRENNER: Your Honor, with the Court's permission,
20 I'd like to just bring back up JE22, which is already in
21 evidence.

22 THE COURT: All right. Certainly.

23 BY MR. BRENNER:

24 Q. JE22, just to refresh your recollection, was the will.

25 Is that -- the one on the left, JE22, is that Mr. -- your

1 brother's signature?

2 A. Yes, it is.

3 Q. Okay.

4 MR. BRENNER: Okay. You could take those down,
5 please, Ms. Vela.

6 Thank you.

7 BY MR. BRENNER:

8 Q. Now. Did you raise this issue -- well, we looked at it in
9 P156. You raised the signature issue with Dr. Wright; is that
10 true?

11 A. Yes.

12 Q. Were there more than one communication with him about the
13 signature?

14 A. I believe so.

15 Q. And how did Dr. Wright explain to you that the contract
16 that Dave is alleged to have signed shortly before his death --
17 why that signature was different than the one that you
18 recognized on his will? How did he explain that to you?

19 A. He explained it to be a computer font.

20 Q. Okay. Okay. So --

21 MR. BRENNER: Your Honor, at this time, can we bring
22 up -- I'm going to talk to you a little bit about -- more about
23 what W&K is. Okay?

24 THE WITNESS: Okay.

25 MR. BRENNER: Could we bring out for the witness and

1 counsel and the Court P164.

2 BY MR. BRENNER:

3 Q. And I think it's just four pages. So I'm going to ask
4 Ms. Vela to scroll through them and just make sure you're
5 comfortable that you can describe what it is.

6 A. Yes. I recognize it.

7 Q. What is the subject matter of the email?

8 A. It's a chronology of -- by Craig Wright.

9 MR. BRENNER: Your Honor, at this point, the
10 Plaintiffs would move P164 into evidence.

11 THE COURT: Any objection?

12 MR. RIVERO: No objection, Your Honor.

13 THE COURT: Admitted into evidence.

14 (Plaintiffs' Exhibit 164 received into evidence.)

15 MR. BRENNER: Thank you.

16 Okay. Ms. Vela, can you bring that up, please.

17 BY MR. BRENNER:

18 Q. Okay. First page, it's -- I think it's four pages total --
19 who is the email from?

20 A. Craig Wright.

21 Q. And date?

22 A. April 26th, 2014.

23 Q. And to you, correct?

24 A. Yes.

25 Q. And what is the subject?

1 A. "Chronology of Craig Wright."

2 Q. And it lists an attachment that's called what?

3 A. "Chronology of Craig Wright."

4 Q. And what's the message that accompanied the attachment?

5 A. "And more reading."

6 Q. Okay.

7 MR. BRENNER: So let's go to the next page, which is
8 the attachment.

9 BY MR. BRENNER:

10 Q. Is this the chronology that you understood was prepared by
11 Craig Wright and sent to you?

12 A. Yes, it is.

13 Q. Okay. I want to focus on 2011 that talks about W&K.

14 A. Okay.

15 Q. Okay. So, first of all, who is "CSW"?

16 A. Those are the initials for Craig Steven Wright.

17 Q. Right. And then it says: "Founds a company in USA with
18 David Kleiman, a business associate from forensic and
19 security-related IT areas. Kleiman and Wright coauthored books
20 on the subject and had a fairly longstanding relationship. The
21 established was W&K Info Defense."

22 What was your understanding from Dr. Wright as to who the
23 founders were of W&K Info Defense Research?

24 MR. RIVERO: Objection, Judge. The document speaks
25 for itself.

1 THE COURT: Sustained.

2 BY MR. BRENNER:

3 Q. Okay. Is there any reference in this document to -- in
4 this part about W&K to Lynn Wright?

5 A. No. There is not.

6 Q. Okay. It then goes on -- well, why don't you read to the
7 jury what it states was the purpose or why W&K was set up or
8 founded.

9 A. "It was set up to further statistical and risk mitigating
10 algorithms to develop some ideas around CBT learning
11 methodologies. CSW was by then lecturing regularly for Charles
12 Sturt University and others and to mine Bitcoin."

13 Q. Was this the only time that Dr. Wright had told you that he
14 and your brother mined Bitcoin?

15 A. No.

16 Q. Okay.

17 MR. BRENNER: Okay. You could take that down,
18 Ms. Vela.

19 BY MR. BRENNER:

20 Q. Did there come a time where you -- where you sought to get
21 your own -- on your own instead of from Dr. Wright, your own
22 information about those court judgments that were referenced in
23 the ATO letter to you?

24 A. Yes, I did.

25 Q. And how did you do that? What did you undertake?

1 A. A few years after talking to Dr. Wright, I reached out to
2 an Australian attorney to try to recover the court files from
3 the Australia court system.

4 Q. And I'm going to -- did you -- did they -- did you receive
5 files from the Australian courts from them?

6 A. Yes, they did.

7 MR. BRENNER: Okay. If we could just show Mr. Kleiman
8 first P105.

9 BY MR. BRENNER:

10 Q. Is this one of the documents you received from -- through
11 your counsel from the Australian court system regarding the two
12 cases of Craig Stephen Wright v. W&K Info Defense Research?

13 A. Yes, it is.

14 MR. BRENNER: At this time, Your Honor, we would like
15 to move P105 into evidence.

16 MR. RIVERO: No objection, Your Honor.

17 THE COURT: Admitted into evidence.

18 (Plaintiffs' Exhibit 105 received into evidence.)

19 MR. BRENNER: Same -- can I bring up P109 [sic]
20 please, again, just for Mr. Kleiman and the Court and counsel.

21 Is that P509?

22 Yes.

23 BY MR. BRENNER

24 Q. Same question: Are these documents you received that your
25 lawyers obtained from the Australian courts.

1 A. Yes, it is.

2 MR. BRENNER: Your Honor, we'd like to move P509 into
3 evidence.

4 MR. RIVERO: Judge, I'm confused because I don't see
5 the exhibit number on what I'm looking at right now.

6 Is this different from what we're just looking at?

7 THE COURT: This is P509. Can you put that up on the
8 screen?

9 MR. RIVERO: One moment, Judge.

10 MR. BRENNER: I can show him the hard copy, if it's
11 easier.

12 MR. RIVERO: No objection, Your Honor.

13 THE COURT: Admitted into evidence.

14 (Plaintiffs' Exhibit 509 received into evidence.)

15 BY MR. BRENNER

16 Q. Same questions for P709.

17 A. Yes, it is.

18 MR. BRENNER: P709 -- oh, that's P709. Just a little
19 slow on my screen.

20 BY MR. BRENNER:

21 Q. Again, same thing: Are these documents that you received
22 from the Australian Court Office regarding the case of Craig
23 Steven Wright -- or cases of Craig Steven Wright v. W&K?

24 A. Yes.

25 MR. BRENNER: We would like to move --

1 MR. RIVERO: Without objection, Your Honor.

2 THE COURT: Admitted into evidence.

3 (Plaintiffs' Exhibit 709 received into evidence.)

4 MR. BRENNER: Okay. And P710.

5 If you would, just bring that up.

6 BY MR. BRENNER:

7 Q. Again, same questions: Are these documents you received
8 from the Australian courts from your lawyers or through your
9 lawyers regarding the --

10 A. Yes.

11 Q. -- lawsuit of Craig Steven Wright v. W&K Info Defense
12 Research, LLC?

13 A. Yes.

14 MR. BRENNER: We would like to move P710 into
15 evidence.

16 MR. RIVERO: No objection, Your Honor.

17 THE COURT: Admitted into evidence.

18 (Plaintiffs' Exhibit 710 received into evidence.)

19 BY MR. BRENNER:

20 Q. Okay. I'm not going to make you talk about those. I just
21 wanted to get them into evidence. Let's move on to a new
22 topic.

23 Okay. I want to talk about -- well, let me just ask you.

24 MR. BRENNER: Let's bring up for the witness P164.

25 And that's the -- we had just looked at -- it's in evidence.

1 If I could republish it to the jury, Your Honor.

2 THE COURT: You may.

3 MR. BRENNER: Thank you.

4 BY MR. BRENNER:

5 Q. So let's go -- so this is the chronology. You recall that,
6 Mr. Kleiman?

7 A. Yes, I do.

8 Q. Okay. Let's go to the same page we were looking at. You
9 had already read that it said W&K was formed, in part, to mine
10 Bitcoin. Do you see where it says that in the -- about the
11 fifth line or sixth line?

12 MR. BRENNER: Can you highlight that?

13 No. No. Just the mining Bitcoin in the middle there.

14 THE WITNESS: I see it. And to mine Bitcoin.

15 BY MR. BRENNER:

16 Q. Yeah. Okay.

17 And then if you look down, there's a reference to an amount
18 of Bitcoin. Do you see that?

19 A. Yes.

20 Q. Is that something -- is that a number that Dr. Wright had
21 communicated to you here and other places regarding the amount
22 of Bitcoin that had been mined by the pair?

23 A. Yes, he did.

24 Q. Okay.

25 MR. BRENNER: If we could bring back up P867, which I

1 believe is in evidence, Your Honor.

2 THE COURT: It's in evidence.

3 MR. BRENNER: Is it published to the jury?

4 THE COURT: You may.

5 MR. BRENNER: Okay. Thank you.

6 BY MR. BRENNER:

7 Q. This -- just to reorient you, this was the email that
8 Patrick Paige -- the email from Dr. Wright that Patrick Paige
9 had forwarded to you.

10 A. Yes.

11 Q. Back at your first -- even before you had contact with
12 Dr. Wright. Do you remember that?

13 A. Yes.

14 Q. And where it says: "The company he ran there mined
15 Bitcoin." Do you see that?

16 A. Yes, I do.

17 Q. Now, as of -- after receiving the CSW chronology, did you
18 now understand -- did you have an understanding what -- the
19 company that mined Bitcoin that Dr. Wright was referring to
20 here?

21 MR. RIVERO: Judge, objection. Calls for speculation.

22 THE COURT: Overruled. I'll allow that.

23 THE WITNESS: Yes.

24 BY MR. BRENNER:

25 Q. And what was that company?

1 A. It appeared to be W&K.

2 Q. Okay. And then it says: "The amount DK mined is far too
3 large to email." Did you have an understanding of what that
4 meant?

5 A. That those were the initials of my brother, Dave Kleiman.
6 So it appeared that he mined a very large amount of Bitcoin.

7 Q. Okay.

8 MR. BRENNER: Okay. If we could bring up -- I believe
9 it's for the counsel and the Court only and the witness --
10 P161.

11 Yes. I don't think we've introduced this yet.

12 Can you -- Ms. Vela, would you be kind enough to
13 scroll through the document for Mr. Kleiman to at least allow
14 him to be able to describe generally what it is for admission
15 purposes.

16 THE WITNESS: Yes. I recognize it.

17 BY MR. BRENNER:

18 Q. Okay. What -- again, very generally, what is this
19 document?

20 A. It's more email exchanges between Craig and myself.

21 Q. And what's the time frame?

22 A. April 24, 2014.

23 Q. And is the subject matter consistent with what we've been
24 talking about?

25 A. Yes.

1 MR. BRENNER: Okay. Your Honor, at this point, the
2 Plaintiffs would like to move into evidence P161.

3 MR. RIVERO: No objection.

4 THE COURT: Admitted into evidence.

5 (Plaintiffs' Exhibit 161 received into evidence.)

6 MR. BRENNER: Okay. I want to start on the very first
7 page, but the bottom -- no. No. The bottom email.

8 No. One page up. We're going to focus on the bottom
9 email.

10 BY MR. BRENNER:

11 Q. Okay. You see the email there. Focusing on that one.
12 This is "clocktime" again. It says: "I have a list of more
13 questions." What is this email?

14 A. I'm asking him more questions about the discrepancies.

15 Q. Okay.

16 MR. BRENNER: Let's go to the second page.

17 There's three questions on the first page.

18 No. The second page.

19 There you go.

20 Thank you.

21 BY MR. BRENNER:

22 Q. The second page is your Question 4 and 5. Do you see that?

23 A. Yes, I do.

24 Q. It says -- can you read Number 5 to the jury first?

25 A. "How many Bitcoins per month is the existing mining

1 operation generating?"

2 Q. And what were you referring to as the "existing mining
3 operation"?

4 A. The mining operation being run by W&K.

5 Q. Okay. And does Craig answer this question?

6 A. Yes.

7 Q. Okay.

8 MR. BRENNER: So let's go, Ms. Vela, to the first
9 email, which is Dr. Wright's response.

10 BY MR. BRENNER:

11 Q. Again, shortly after you write it.

12 What is his response to your question about the W&K mining
13 operation? What's his response to Number 5?

14 A. He says that he has stopped mining.

15 Q. And why does he say he's stopped mining?

16 A. "When Dave died, I lost the ability to access all of this.
17 Then it is also not as cost-effective to mine now as it was."

18 So it appears that when Dave died, he lost access to the
19 Bitcoin mining equipment.

20 Q. Okay. Now --

21 MR. BRENNER: You can take that down, please.

22 Thank you.

23 BY MR. BRENNER:

24 Q. Putting aside the mining, the joint mining of the Bitcoin
25 we've just been through, did Dr. Wright ever express to you,

1 whether in monetary terms or any other terms, his and your
2 brother's investments into their business?

3 A. Yes, he did.

4 Q. Okay.

5 MR. BRENNER: So if we could bring up P156 again,
6 which is already in evidence, Your Honor -- at least I believe
7 it is.

8 THE COURT: It is.

9 MR. BRENNER: Okay.

10 Okay. And if you could go to -- Ms. Vela, if you
11 could go to Page 13 of the document.

12 Okay. Let's focus on the top email, please. If you
13 could highlight that -- the whole thing would be great.

14 Thank you. Just let's scroll down to who it's from,
15 too.

16 Can you just drop down one line so he can see the
17 signature.

18 BY MR. BRENNER:

19 Q. Okay. Do you recognize this as an email from Dr. Wright to
20 you?

21 A. Yes.

22 Q. And depending on the time zone, around April 15th at
23 8:48 p.m.?

24 A. Yes.

25 Q. Okay. Even -- it says: "Hi, Andrew."

1 But is this an email that came to you?

2 A. I think he's forwarding it to me.

3 Q. Okay. And then it says -- on the second line, it says:

4 "It is hostile everywhere right now. That stated, Dave and I
5 have put far too much blood, sweat, and tears into this to
6 allow it to fail." Do you see that?

7 A. Yes, I do.

8 Q. What was the "it" that Dr. Wright was referring to? Your
9 understanding -- not your understanding. What was your
10 understanding of what Dr. Wright was saying that he and Dave
11 had put far too much blood, sweat, and tears into?

12 A. The development of Bitcoin.

13 Q. Okay. Let's --

14 MR. BRENNER: You can take that down, please.

15 Thank you.

16 BY MR. BRENNER:

17 Q. Did there come a time where your relation -- your sort of
18 rapport, your back-and-forth with Dr. Wright, started to sour?

19 A. Yes.

20 Q. Did there come a time where Dr. Wright put you in touch
21 with his wife?

22 A. Yes.

23 Q. And I don't know -- I think it was said in opening. But
24 can you remind the jury what was Dr. Wright's wife's name at
25 the time?

1 A. I believe Ramona Watts.

2 Q. Okay. The jury has heard about Lynn Wright as being
3 Dr. Wright's wife. Was that a prior wife of Dr. Wright?

4 A. Yes.

5 Q. Okay. So when I asked you: Were you put in touch with
6 Dr. Wright's wife, which one are you talking about?

7 A. That was his second wife.

8 Q. Ramona?

9 A. Yes.

10 Q. Okay. Ms. Watts. Excuse me.

11 And did she continue the type of communications that you
12 had been having with Dr. Wright?

13 A. Yes, she did.

14 Q. And did you -- what was your understanding of whether she
15 was authorized by Dr. Wright to have those communications with
16 you?

17 A. Yes. From what I understood --

18 MR. BRENNER: Let's take a look at P218.

19 BY MR. BRENNER:

20 Q. Do you recognize this document?

21 A. Yes, I do.

22 Q. And what -- again, without revealing the content, what is
23 this document?

24 A. It appears to be an email to Dr. Wright. It's being
25 forwarded -- no. She's sending me an email, but she's

1 forwarding it to Dr. Wright, too, I guess like have him review
2 it before sending it to me.

3 MR. BRENNER: At this time, Your Honor, we would like
4 to move P218 into evidence.

5 MR. RIVERO: Judge, this is hearsay. It's sought to
6 be admitted for the truth of the matter asserted.

7 MR. BRENNER: Your Honor, may I respond from here or
8 may I approach?

9 I will represent that this -- objections to this
10 exhibit have been ruled on in Ms. Watts' deposition. It's
11 going to be admitted into evidence. We will be reading that
12 deposition.

13 So it's a piece of evidence that will be in evidence.
14 It's just the timing that she's not here yet. So you've
15 already ruled on these objections to this exhibit.

16 THE COURT: With regard to her testimony?

17 MR. BRENNER: Correct.

18 MR. RIVERO: Judge, the testimony was ruled on --

19 THE COURT: I agree. The objection is sustained.

20 MR. BRENNER: Okay. You could take that down.

21 BY MR. BRENNER:

22 Q. Okay. Let's switch topics. Talk about a company name that
23 the jury's at least heard briefly about in opening statements
24 called Coin-Exch. First of all, are you familiar with the name
25 of a company called Coin-Exch.?

1 A. Yes, I am.

2 Q. What do you know -- what do you know about what Coin-Exch.
3 is?

4 A. Well, I was told that my brother agreed to transfer his
5 share of assets to -- into this Coin-Exch. and, in return, he
6 would receive like 50 percent of Coin-Exch.

7 Q. Okay. Whatever you know about -- you said you were told.
8 You were told that by whom?

9 A. By Dr. Wright.

10 Q. Other than what you learned from Dr. Wright about
11 Coin-Exch., do you know anything about Coin-Exch.?

12 A. No, I don't.

13 Q. Did you have --

14 MR. BRENNER: Well, let's take a look at P758 --
15 again, for the Court and for the witness.

16 BY MR. BRENNER:

17 Q. What is P758?

18 A. It appears to be an email from Andrew Miller at the ATO to
19 myself.

20 MR. BRENNER: And if you could scroll to the end of
21 that document.

22 BY MR. BRENNER:

23 Q. What's your understanding of the last part of that
24 document?

25 A. It appears to be share -- shares in --

1 MR. RIVERO: Judge, I don't believe this is in
2 evidence. I don't think it should be published until --

3 THE COURT: I don't believe it is being published.
4 It's just shown to the witness.

5 MR. RIVERO: But Judge, he's about to comment about
6 what the contents of the document are.

7 THE COURT: Without discussing the contents, just a
8 general description to establish its relevance.

9 BY MR. BRENNER:

10 Q. Yes. Can you just -- I know. If you can try to describe
11 generally what it is without revealing the contents.

12 A. It's --

13 MR. BRENNER: You know what? You started on the last
14 page and it's a two-page document.

15 There you go.

16 BY MR. BRENNER:

17 Q. What does it purport to be?

18 A. Company details of the Coin-Exch.

19 Q. When it says the certification regarding the truth and
20 completeness of it, who is the certifier?

21 A. Craig Steven Wright.

22 Q. And the date that it is signed?

23 A. April 24, 2014.

24 MR. BRENNER: At this point, Your Honor, we would like
25 to move in P758 into evidence.

1 MR. RIVERO: Your Honor, I believe P758 is both --

2 THE COURT: That reflects a different date. Is that
3 P758?

4 MR. BRENNER: I'm sorry, Your Honor. I didn't hear
5 what you said.

6 THE COURT: It's described as dated April 29th, 2014.
7 Are we speaking of the same document?

8 Yes, Mr. Rivero?

9 MR. RIVERO: Your Honor, I believe that the
10 foundational questions have gone to the attachment to P578.
11 That's why there's a date difference.

12 Our objection is to the transmittal email, which is
13 hearsay. We do not have an objection to the attachment. So if
14 it's split that way, we have no objection to the questions --
15 foundation that were asked about the last two pages.

16 THE COURT: The attachment is part and parcel of the
17 letter. So let's focus on what is described as a letter or an
18 email. Which page is that?

19 MR. BRENNER: So if you go to the first page of the
20 document, that's the April 29th date.

21 THE COURT: Okay. And the objection is to the
22 attachment, but not to the actual --

23 MR. RIVERO: No, Judge. I'm sorry. It's the other
24 way around. We don't have an objection and don't have a
25 problem with the attachment. It's the hearsay in this item,

1 which is, again, for the truth of these matters asserted.

2 THE COURT: The objection is overruled.

3 MR. BRENNER: Okay. If you could -- Ms. Vela, if you
4 could publish P758.

5 Oh, I'm sorry. P758. Thank you. I asked the wrong
6 person to publish.

7 Thank you.

8 BY MR. BRENNER:

9 Q. Andrew Miller. Remind the jury who that is again.

10 A. He's from the Australian Tax Office.

11 Q. Is he the same person that had sent you the April 15th
12 packet?

13 A. Yes, he is.

14 MR. BRENNER: Excuse me.

15 Okay. If you could go to the body, please, Ms. Vela.
16 Actually, let's start from the top.

17 BY MR. BRENNER:

18 Q. It starts off: "Ira, I just thought I would contact you to
19 see how you are going with our request for information."

20 What is he talking about?

21 A. He's reaching out, I believe, about the questions that he
22 sent me.

23 Q. Okay. And then I'll skip the next paragraph -- well, why
24 don't you read it so we're not skipping anything.

25 A. "With the documents we have provided, I trust the research

1 requested of you is not too strenuous. If you have responses
2 to all but a few of our questions, there is no issue in
3 providing a partial response now and updating us with the
4 additional responses at a later date."

5 Q. Okay. And then the next -- the highlighted part.

6 A. "I have also attached a document, which has been lodged
7 with the Australian Securities and Investment Commission, ASIC,
8 recently by Craig Wright. It suggests that you acquired 10 and
9 a half million worth of shares in an Australian company,
10 Coin-Exch. Property Limited. Were you aware of this? And if
11 so, in what form did you pay the shared capital?"

12 Q. So had you bought \$10 million worth of -- \$10,500,000 worth
13 of shares in Coin-Exch.?

14 MR. RIVERO: Judge, if I may. The problem with this
15 communication by someone outside this courtroom, who is not
16 going to appear as a witness, is they want to use it as though
17 this statement were true. And he's asking about the truth of
18 the matter asserted. I object on hearsay grounds.

19 THE COURT: Understood. The objection is overruled.

20 BY MR. BRENNER:

21 Q. Mr. Kleiman, let me ask the question again: Had you
22 acquired on or before April 29, \$10,500,000 worth of shares in
23 Coin-Exch., PTY, LTD?

24 A. No, I didn't.

25 MR. BRENNER: If we could go to the attachment that's

1 referenced in this email, which is the second-to-the-last page.

2 BY MR. BRENNER:

3 Q. Again, we talked about this, but the jury hadn't seen this.

4 This document -- could you tell the jury who -- what
5 company this document -- first of all, what does it say on the
6 top left? Where is this filed?

7 A. In Australia.

8 Q. And it says -- as far as Lodgement Details, It said: Who
9 should the Australian Securities and Investments Commission
10 contact if they had any questions about the form?

11 A. Craig Steven Wright.

12 Q. And then it says: "I certify that the information in this
13 form is true and complete." And who was giving that
14 certification?

15 A. Craig Steven Wright.

16 Q. And the date of it is what?

17 A. April 24, 2014.

18 Q. Okay.

19 MR. BRENNER: If we can go to the next page.

20 BY MR. BRENNER:

21 Q. Let's see -- yes. So it identifies a date as the earliest
22 date of the change in the ownership of the company. Do you see
23 that?

24 A. Yes.

25 Q. March 30th.

1 A. 2014, yes.

2 Q. Right. They use the opposite convention with the day and
3 the month?

4 A. Yes.

5 Q. And then it says -- it says -- who does it say is
6 getting -- is purchasing the shares?

7 A. Myself. Ira Kleiman.

8 Q. And it says that, again, the date of the purchase, the
9 earliest date was the same date?

10 A. Yes.

11 Q. Okay. And it says: "Total dollar paid."
12 What does that say?

13 A. 10 and a half million.

14 Q. Okay. Did you pay Craig Wright 10 and a half million
15 dollars any time around March or April for shares in
16 Coin-Exch.?

17 A. No, I didn't.

18 MR. BRENNER: If we could take a look at P156, which
19 is already in evidence.

20 If you could go to the bottom of the Bates that ends
21 in 875.

22 BY MR. BRENNER:

23 Q. Okay. Let's -- again, date of the email, the bottom one
24 there?

25 A. April 23rd, 2014.

1 Q. Okay. And then let's just read the email starting with the
2 first paragraph.

3 A. "Craig, it is not about information that they fed me. It's
4 about contracts that you signed and agreements that don't seem
5 logical."

6 Q. What's that a reference to: "It's not about information
7 that they fed me"?

8 A. Not about the information that the ATO sent me.

9 Q. And instead, what are you telling Craig you're relying on
10 for your inquiries to him?

11 A. I'm relying on his word.

12 Q. Okay.

13 MR. BRENNER: And then let's go to the next page.

14 BY MR. BRENNER:

15 Q. It says: "I don't understand why Dave would make that
16 agreement with you for a business divorce. Why would a
17 successful partnership suddenly separate and leave one partner
18 with everything of accountable value and the other, paren,
19 Dave, with only a 10 percent in a future venture and an
20 undisclosed amount of bitcoins?" Do you see that?

21 A. Yes.

22 Q. What was the successful partnership -- I'm sorry. Yes, it
23 is -- when you say: "Why would a successful partnership
24 suddenly separate," what was the partnership you were talking
25 about?

1 A. The partnership was W&K and all the assets were leaving W&K
2 and just -- it was just becoming W.

3 Q. And in the "10 percent in a future venture and an
4 undisclosed amount of Bitcoins," what was the future venture
5 that Dr. Wright had told you that the assets of W&K were going
6 to?

7 MR. RIVERO: Objection. Leading. And also not --
8 there's no foundation for that question.

9 THE COURT: Sustained.

10 Rephrase, please.

11 BY MR. BRENNER:

12 Q. What was your understanding of the future venture that --
13 that you understood that the assets of W&K were supposedly
14 going to?

15 A. That was the Coin-Exch. company.

16 Q. To this day, has the estate of Dave Kleiman ever received a
17 penny of value from any alleged transfer, ownership of the W&K
18 assets to Coin-Exch.?

19 A. No. We have not.

20 Q. Okay.

21 MR. BRENNER: We're going to change topics. And Your
22 Honor, the break time ideally is 3:30, correct?

23 THE COURT: That's right.

24 MR. BRENNER: Okay. Thank you. Let's see if we can
25 wrap up by then.

1 BY MR. BRENNER:

2 Q. I want to focus now off of some of the emails for a while
3 and talk about some of what you did following Dave's death in
4 your role as personal representative.

5 A. Okay.

6 Q. Okay. After Dave died in April of 2013, did you have
7 occasion to go to his home?

8 A. Yes, I did.

9 Q. Okay. Did you go to his home on more than one occasion
10 following his death?

11 A. Yes.

12 Q. And did you do that in connection with what you understood
13 to be your responsibilities as personal representative?

14 A. That's correct.

15 Q. Okay. So let's talk about that. What was the first thing
16 that -- sort of the first job you undertook with regard to the
17 home?

18 A. I hired a cleaning crew to go over there and just clean his
19 house up. They removed -- I believe his like bed mattress had
20 some bloodstains on it.

21 Q. Okay. And when -- was it just a commercial cleaning crew?

22 A. Yes.

23 Q. Okay. When they went, did you just sort of let them go in
24 and do their thing?

25 A. Yes.

1 Q. Okay. And then they left after cleaning?

2 A. Correct.

3 Q. Okay. And did you have an occasion, then, to go back to
4 the home?

5 A. Yes. I went back.

6 Q. Okay. Is this -- how long after Dave's passing are these
7 events happening? Days? Weeks?

8 A. Yeah, that was probably like a couple weeks after he passed
9 away.

10 Q. Okay. And when you went to the home, not on the cleaning
11 service time, but another time, what did you go there for?

12 A. I guess to pick up some of his belongings.

13 Q. Okay. And did you, in fact pick up belongings from
14 Dave's -- was there one of those visits or more than one?

15 A. There was probably several.

16 Q. Okay. And did you, in fact, take items from Dave's home?

17 A. Yes.

18 Q. Can you just -- generally speaking, what types of things
19 did you take from Dave's home?

20 A. Like most of his computer equipment. I think like three
21 laptops. Some hard drives, thumb drives, books, certificates.

22 Q. Okay. Anything else?

23 So got computers, books, certificates. Anything else that
24 you took?

25 A. I don't recall.

1 Q. And what did you do with them? Did you -- well, just tell
2 me what did you do with them.

3 A. Yeah, I just brought them back to my house.

4 Q. Let's focus on the -- I think you said computers and
5 computer devices. Did I get that right?

6 A. Yes.

7 Q. Okay. You said -- they were laptops?

8 A. Yeah. Three laptops.

9 Q. Three laptops. Okay. What else that you call a computer
10 device did you take?

11 A. Internal hard drives. I believe there was one external
12 hard drive and a bunch of small thumb drives.

13 Q. Okay. When you took those, what did you do with them
14 immediately?

15 A. I just brought them back to my house.

16 Q. Okay.

17 MR. RIVERO: Your Honor, I cannot hear Mr. --

18 MR. BRENNER: Oh, I'm sorry. Me or the witness?

19 MR. RIVERO: I can't hear the witness.

20 THE COURT: Do you want it read back?

21 MR. RIVERO: I would. The last -- I couldn't hear the
22 last two answers, Judge.

23 THE COURT: I think the last answer.

24 MR. RIVERO: Okay. The last answer.

25 THE COURT: "I just brought them back to my house" was

1 the response.

2 MR. RIVERO: Oh. Thank you very much.

3 BY MR. BRENNER:

4 Q. Okay. And how long did they -- were they in your home
5 before you did anything with them?

6 A. Probably a number of months.

7 Q. Okay. So you take them home, I guess it was sometime in
8 May of 2013?

9 A. Yeah. Something like that.

10 Q. Any -- when you took the devices -- I'm using the term too
11 broadly.

12 When you took the computers, the external hard drive, I
13 think you called it an internal drive -- is that the -- one of
14 the other things?

15 A. Yes.

16 Q. And you called thumb drives, right?

17 A. Right.

18 Q. When you took those from the home, did you have any
19 suspicion, any reason to believe, any idea, any anything that
20 they had anything of value related to Bitcoin on them?

21 A. No.

22 Q. Okay. Now, we'll talk about this in more detail later.
23 But did there come a time where you had communications with
24 Dr. Wright about those devices?

25 A. Yes.

1 Q. And what did Dr. Wright say was on those devices?

2 A. He believed that there could possibly be Bitcoin on the
3 devices.

4 Q. And when Dr. Wright told you that, did he tell you that
5 after a while after you had been communicating or right away?

6 A. It was shortly after we started communicating.

7 Q. And at the time he told you, did you believe him?

8 A. Yeah. I had no reason not to believe him.

9 Q. Okay. So sometime, I think you said, several months
10 after -- after you've retrieved the devices, you start to do
11 some things with them, right? This is the first time you
12 really touched them?

13 A. Yeah, correct.

14 Q. Until then, where are they sitting?

15 A. I think I stored them in my brother's backpack.

16 Q. Okay. So it's probably easiest to do this by category so
17 we can go through what was done with each of the categories of
18 devices. Okay?

19 A. Okay.

20 Q. So let's start with the laptops.

21 A. Uh-huh.

22 Q. The three laptops, what did you do, if anything, with those
23 laptops?

24 A. I think around November of 2013 I inserted a couple of hard
25 drives into those because they weren't containing any drives.

1 And I installed Windows operating systems onto those drives.

2 Q. So let me try to just unpack that a little bit.

3 The computers themselves, did they contain any hard drives
4 in them?

5 A. No.

6 Q. Okay. No information on them?

7 A. Correct.

8 Q. All right. So let's -- and do you still have those today?

9 A. Yes.

10 Q. Let's talk about --

11 MR. BRENNER: You know what? It would probably be
12 easier if we could -- if we could bring up D425, and I think --
13 Your Honor, I think this was admitted into evidence, but maybe
14 just the second page.

15 MR. RIVERO: Judge, we have no objection to
16 Defendant's 245 being in evidence.

17 MR. BRENNER: 425.

18 THE COURT: It's 425. All right.

19 Are you seeking to introduce it at this time?

20 MR. BRENNER: I thought it already was, but if it's
21 not, I am.

22 MR. RIVERO: By stipulation, Judge, we would also ask
23 that it be admitted.

24 THE COURT: By agreement -- let me just make sure. It
25 may already be into evidence.

1 Yes. It's in evidence.

2 MR. BRENNER: May I publish to the jury, Your Honor?
3 Is it in evidence?

4 THE COURT: Yes. It's in evidence.

5 MR. BRENNER: Thank you. So it's two pages, right,
6 Ms. Vela?

7 BY MR. BRENNER:

8 Q. Okay. So let's talk about -- assuming this is Page 1.
9 Let's talk about what's on Page 1. What are we looking at?

10 A. Those appear to be my brother's internal hard drives.

11 Q. Okay. So when you were referring to the internal hard
12 drives, these are what you were referring to?

13 A. Yes.

14 Q. And there's five here. Are these the five that -- the only
15 five that you took from your brother's apartment? Or house,
16 excuse me.

17 MR. RIVERO: Objection. Leading.

18 THE COURT: I'll allow it.

19 Overruled.

20 THE WITNESS: As far as internal hard drives?

21 BY MR. BRENNER:

22 Q. Yes.

23 A. Yes. I believe so.

24 Q. Okay. Let me clear up one thing. There was an external
25 hard drive you referenced. That's not pictured here, right?

1 A. Yes.

2 Q. What happened with that external hard drive?

3 A. I discarded that drive. It never powered on.

4 Q. Okay. And when did you do that, approximately?

5 A. It was probably the same time that I started to use the
6 laptops.

7 Q. That's in -- I thought you said maybe Novemberish 2013?

8 A. Yeah, something like that.

9 Q. If I were to give you sort of a cut-off date, meaning did
10 you do it before or after you were first contacted or had first
11 contact with Dr. Wright, could you testify definitively that it
12 was before you had contact with him?

13 A. Yes. Definitely.

14 Q. All right.

15 MR. BRENNER: So now we're on to Page 1 of D425.

16 No. We could stay there, Ms. Vela.

17 BY MR. BRENNER:

18 Q. Okay. So first of all, who took this picture?

19 A. I took this picture.

20 MR. RIVERO: I'm sorry, Judge. I just want to make
21 sure that's Defendant's 425. My hearing may not be what --

22 MR. BRENNER: Yes. D425.

23 MR. RIVERO: Okay. Yes, I'm sorry, Judge.

24 THE COURT: Okay.

25 BY MR. BRENNER

1 Q. Okay. Now, there is handwriting on looks like all of them,
2 right?

3 A. Yes. It's my handwriting.

4 Q. Okay. So all of that's your handwriting?

5 A. Yes.

6 Q. So as far as physically what we're looking at, would it
7 have looked the same in what it was in Mr. Kleiman's home other
8 than it would have had the handwriting on it?

9 A. That's correct.

10 Q. Okay. Now, there's five of these. Can you tell the jury
11 what, if anything, you did with these internal drives?

12 A. With -- two of them I formatted and you can see I put
13 Windows 7 on one and Windows 8 on the other.

14 Q. Okay. What about -- let's just go to the other three.

15 Did you -- the one on the top left says: "Needs format."
16 Did you format that one?

17 A. I don't believe so. It's probably still blank.

18 Q. And then the one on the bottom left says -- is that "raw"
19 or -- I don't know what that says.

20 A. Yeah, it appears to be -- I'm not sure what --

21 Q. You're not sure what that means?

22 A. Yeah.

23 Q. Okay. Great.

24 And then the bottom right says: "Empty." What does that
25 mean?

1 A. Possibly also needed to be formatted.

2 Q. Okay. And then one is -- you said is Windows 7 and Windows
3 8. What happens -- not what happens -- what causes you -- what
4 caused you to format -- which, I guess, are the top right and
5 top middle drives?

6 A. I think possibly at the time we were looking for a computer
7 for my wife to use.

8 Q. Okay.

9 A. And so figured we'd just set up one of Dave's computers so
10 she could use that.

11 Q. And then did you plug one or both of those drives in?

12 A. Yes.

13 Q. And what happened?

14 A. It loads up those operating systems, Windows 7 and
15 Windows 8.

16 Q. Before you load the operating system, what --

17 A. Oh. Yes, sorry.

18 Q. You were going to the end of the story. Let's start at the
19 beginning. You put them in and what happens?

20 A. It's -- a pop-up screen appears and it says that the drive
21 needs to be formatted.

22 Q. Okay. And you did that for both the top middle and top
23 right?

24 A. Yes.

25 MR. BRENNER: Okay. Let's go to the second page,

1 Ms. Vela.

2 Can we get just the -- okay. That's fine. That's
3 fine.

4 BY MR. BRENNER:

5 Q. As I count, there is -- 1, 2, 3, 4, 5, 6, 7, 8 -- 9; is
6 that right?

7 A. Yes.

8 Q. Okay. First of all, were all those -- is that what you
9 were referring to as the thumb drives?

10 A. Correct.

11 Q. Were all of these in Dave's home when you went there, let's
12 just say, May of 2013?

13 A. Yes, they were.

14 Q. And you retrieved them?

15 A. Yes.

16 Q. Okay. The -- again, who took this photograph?

17 A. I did.

18 Q. Who placed the ruler there?

19 A. I did.

20 Q. Okay. Let's talk about the drives.

21 Did you -- to your knowledge, did you -- what -- first of
22 all, what's the first thing you did with the drives after they
23 were sitting in a -- you told me they were sitting in a bag --
24 I don't know what you said. But after they were sitting for a
25 period of time, what's the first thing you did with the drives?

1 A. I probably just looked at them to see what was on them.

2 Q. Okay. Did you ever start using those drives?

3 A. Yes.

4 Q. And what did you do with them?

5 A. I was just using them as my personal storage devices,
6 putting my own files on them.

7 Q. Okay.

8 A. Photos, some work files.

9 Q. Okay. Personal and professional things?

10 A. Yes.

11 Q. Okay. Did you ever -- when you ever added something to
12 them, added your own stuff, did you ever get any sort of
13 message that said the drives are full and you can't add to
14 them?

15 A. No.

16 Q. As it relates to your own stuff, did you ever add your own
17 stuff on any of the drives and then delete your own stuff on
18 any of the drives?

19 A. Yeah. Probably. Many times.

20 Q. Okay. Do you have any memory of ever deleting any of the
21 stuff that was on there from Dave's from the drives?

22 A. I don't believe so, no.

23 MR. BRENNER: Okay. Okay. We can take that down,
24 please.

25

1 BY MR. BRENNER:

2 Q. Let me ask you one other question I forgot.

3 Did there come a time where -- the jury heard from Patrick
4 Paige yesterday -- where he came to Dave's home after he
5 passed?

6 A. Yes.

7 Q. And were you there or not there when that happened?

8 A. Yes. I was with him.

9 Q. And what was your understanding of the purpose of Patrick's
10 visit to the home?

11 A. He believed that there was some work-related drives and he
12 wanted to collect them from Dave's home.

13 Q. Okay. And work related, what was the work -- the company
14 that Patrick was in?

15 A. Related to the Computer Forensics company that he was a
16 partner with Dave in.

17 Q. And when he came to the home, did he find drives?

18 A. Yes.

19 Q. Had you not seen them when you were at the home before?

20 A. No, because they were stored in a large safe.

21 Q. Okay. Did Patrick -- when Patrick came, was the safe
22 opened or locked?

23 A. I believe it ended up being open.

24 Q. Okay. It was not locked. You thought it was, but it was
25 not?

1 A. Exactly.

2 Q. And did Patrick take those drives?

3 A. Yes.

4 Q. And what's your understanding -- Patrick came saying they
5 were stuff for his work?

6 A. Correct.

7 Q. And he took them?

8 A. Yes.

9 Q. Okay. By the way, you said you found the drives that were
10 located on D425 -- you found those in the house. Were you ever
11 told or do you know whether there were any drives physically on
12 Dave's body when he died?

13 A. No. I've never seen any photos of like drives on his body.

14 Q. Okay. Now, did there come a time in this case where you
15 turned -- the drives we were just looking at, that you turned
16 those over to a third party?

17 A. To -- I believe only once this litigation started, to
18 forensic experts.

19 Q. Now, did you turn them over to forensic experts that your
20 lawyers hired, that Dr. Wright's lawyers hired, or each one
21 hired?

22 A. Yes. Each one.

23 Q. Okay.

24 A. It was submitted to each party.

25 Q. Okay. Did you place any restrictions on what the -- those

1 experts could do to inspect those drives?

2 A. No. I did not.

3 Q. And then did those drives -- after each of the experts or
4 sides of experts had a chance to inspect and review them, were
5 they ultimately returned to you?

6 A. Yes. They were given back to me.

7 Q. And what we're looking at -- what we did look at in 425 is
8 what they looked like when they came back to you?

9 A. Yes.

10 Q. Okay. Now, I don't know if you mentioned it -- I think you
11 did, but were there also papers in Dave's home, whether they be
12 work papers, any other type of papers that you took when you
13 went to the home?

14 A. Yeah. I possibly took some papers.

15 Q. Did you review them? Well, did you keep them all?

16 A. No. I discarded irrelevant things.

17 Q. Okay. And in doing that, before discarding, did you review
18 them to see if you believed they were of any -- any reason to
19 keep post-Dave's death?

20 A. Yes. Exactly.

21 Q. Okay. Okay. Let's go on to the next topic. I previewed
22 it a little bit.

23 THE COURT: Just wonder if before going to the next
24 topic, would this be a good time?

25 MR. BRENNER: Yeah. Sure. Sure.

1 THE COURT: All right.

2 Then, Ladies and Gentlemen, let's go ahead and take a
3 20-minute recess.

4 (Jury not present, 3:22 p.m.)

5 THE COURT: I'll see you back here in 20 minutes.

6 MR. BRENNER: Thank you.

7 (Recess from 3:23 p.m. to 3:43 p.m.)

8 THE COURT: All right. Welcome back.

9 Mr. Kleiman, you want to come forward, sir? And do
10 you mind seeing if our jurors are ready?

11 Ready?

12 Okay. Great.

13 Okay. Let's bring in the jury.

14 Thank you.

15 (Before the Jury, 3:43 p.m.)

16 THE COURT: All right. Welcome back. Please be
17 seated. And we'll continue with the direct examination.

18 DIRECT EXAMINATION [CONTINUED]

19 BY MR. BRENNER:

20 Q. Okay. Mr. Kleiman, let's go on to a new topic, which we
21 talked about briefly, but you -- you have your first contact
22 with Dr. Wright in February 2014?

23 A. Yes.

24 Q. I think you testified -- is that the first time anyone
25 suggests to you there may be something of value related to

1 Bitcoin on Dave's drives?

2 A. Yes, it is.

3 Q. In fact, other than Dr. Wright, has anyone ever suggested
4 to you that there's anything of value on those drives related
5 to Bitcoin?

6 A. No.

7 Q. Now, you told us that you believed Dr. Wright; is that
8 correct?

9 A. That's correct.

10 Q. As you sit here today, do you believe there's anything of
11 value related to Bitcoin or was anything of value ever related
12 to Bitcoin on Dave's drives?

13 A. No, I don't.

14 Q. Now, did -- in your communications with Dr. Wright --
15 again, regarding now the drives, did he ever say to you that he
16 was going to provide you assistance in trying to do something
17 with the drives to uncover what he said was on there?

18 A. He mentioned an associate of his, the young girl, Uyen
19 Nguyen.

20 Q. And that's the Uyen Nguyen -- that's the -- we've seen her
21 name a couple times. She's the one on the ATO documents that
22 became a director of W&K?

23 A. Yes.

24 Q. Okay.

25 MR. BRENNER: If we could bring up Tab 21.

1 BY MR. BRENNER:

2 Q. Again, without revealing the contents --

3 A. It's --

4 MR. BRENNER: I'm sorry. It's P564. I don't know if
5 I identified it clearly. P564.

6 BY MR. BRENNER:

7 Q. Did -- is this -- is this an email exchange?

8 A. Yes, it is.

9 Q. And who is -- who are the emails between?

10 A. Between myself and Uyen.

11 Q. How did you get in touch -- the first email -- what's the
12 date of the first email?

13 A. February 15, 2014.

14 Q. Okay. And what is that as far as time-wise in relation to
15 your first contact with Dr. Wright?

16 A. It was very shortly after.

17 Q. Okay. Before this email that you have up, had you had
18 any -- did you know anyone named Uyen Nguyen?

19 A. No, I didn't.

20 Q. Your introduction to Uyen Nguyen came from whom?

21 A. Dr. Wright.

22 Q. The contact information for Uyen Nguyen came from whom?

23 A. Dr. Wright.

24 MR. BRENNER: Your Honor, at this point, we'd like
25 to --

1 BY MR. BRENNER:

2 Q. The subject matter of this email chain -- what's -- again,
3 generally what's it about?

4 A. I'm asking when --

5 MR. RIVERO: Objection. Judge, I have an objection to
6 this exhibit as hearsay, Judge.

7 And if I may, this not only is being presented for the
8 truth of the matters asserted by an out-of-court declarant,
9 Uyen Nguyen, but also, Judge, has facial indications of
10 something altered because the Court will note the difference in
11 the heading --

12 THE COURT: Yeah. The legal objection on grounds of
13 hearsay is overruled.

14 It will be admitted as Exhibit 564.

15 (Plaintiffs' Exhibit 564 received into evidence.)

16 BY MR. BRENNER:

17 Q. Can you --

18 MR. BRENNER: May I publish that to the jury?

19 BY MR. BRENNER:

20 Q. So, again, can you orient the jury to -- there's a person
21 there that says: "UT NG." It's the first email from Ira K to
22 UT NG.

23 MR. BRENNER: No. The bottom one. The first one.
24 The first in time.

25 Yes.

1 BY MR. BRENNER:

2 Q. Who is UT NG?

3 A. That would be Uyen Nguyen.

4 Q. Okay. And who did you get her email contact information
5 from?

6 A. Dr. Wright.

7 Q. And what had Dr. Wright told you -- had Dr. Wright asked
8 you to reach out to her?

9 A. No.

10 Q. Okay. Did he offer her assistance to you?

11 A. Yes. He introduced her to me.

12 Q. Okay. So tell me what you write here to Uyen Nguyen.

13 MR. BRENNER: No. The bottom email. Same one we're
14 on.

15 BY MR. BRENNER:

16 Q. First, read that to the jury, please.

17 A. "Can tell me how you knew my brother? Is there any insight
18 you can give me to better understand how Dave was involved in
19 all of this?"

20 Q. So why are you asking Uyen Nguyen if she knew your brother
21 and if she can tell you more information about him?

22 A. Dr. Wright introduced her to me and suggested that she
23 might be able to take a look at Dave's drives.

24 Q. Okay. So let me -- the purpose of the introduction was
25 his -- what was Dr. Wright telling you Uyen Nguyen may or may

1 not be able to do for you?

2 A. To examine Dave's drives possibly.

3 Q. Okay. So did she respond to you?

4 A. Yes.

5 MR. BRENNER: Okay. Let's go up to that.

6 BY MR. BRENNER:

7 Q. Is this from Uyen Nguyen?

8 A. Yes, it is.

9 Q. Okay. First thing she says is: "I had not met your
10 brother Dave." Do you see that?

11 A. Yes.

12 Q. Now, I asked -- I had asked you before if you believed your
13 brother knew her, and you said you did. Does this refresh your
14 recollection on that topic?

15 A. Yes. She said she'd ever met Dave.

16 Q. Okay. And then what does she say next?

17 A. She said she knew of Dave just as a computer forensic
18 expert.

19 Q. Okay.

20 A. She'd never met him.

21 Q. And what does she do at the end there, the last two
22 sentences?

23 A. "Please let me know anything I can help you. Ian, I'm in
24 the States, so it will be easier."

25 Q. Is "Ian" a typo, you think?

1 A. Yeah. She just misspelled my name.

2 Q. Did you then respond to Ms. Nguyen?

3 A. Yes.

4 MR. BRENNER: Okay. Let's pull that up, please.

5 BY MR. BRENNER:

6 Q. Is this what you were talking about, why Dr. Wright had put
7 you in touch with her?

8 A. Correct.

9 Q. Okay. Could you read that to the jury?

10 A. "Are you experienced with decrypting drives? Craig
11 mentioned possibly sending someone here to help retrieve the
12 cryptographic keys. Would you be able to assist in this?"

13 Q. So Uyen Nguyen, the person that Dr. Wright put you in touch
14 with to look at the drives, did she ever come see you?

15 A. No.

16 Q. Did she ever ask that you send her the drives?

17 A. No.

18 Q. Did she ever do anything whatsoever with regard to the
19 drives?

20 A. No.

21 MR. BRENNER: Okay. You can take that down, Dorian.

22 Thank you.

23 If we could bring up P138, please.

24 And Your Honor, I think this is in evidence, but I
25 want to make sure.

1 THE COURT: It is in evidence.

2 MR. BRENNER: Okay. This is already in. If you can
3 go to Page 6.

4 BY MR. BRENNER:

5 Q. So this is an email -- I guess if we went back up one page,
6 we'll see it somewhere around February 25th, 2014?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes.

10 Q. Can you read this email that -- this part, the part that's
11 highlighted, the email you send to Craig?

12 A. "I should probably start trying to figure out how to access
13 Dave's drives, but I'm still not sure who to trust them with.
14 I think the only person would be you. So I was wondering if I
15 could mail them to you. Or do you have plans on visiting the
16 States? You are welcome to come stay with us and I could show
17 you more of Dave's stuff."

18 Q. What are you offering Dr. Wright there?

19 A. I'm offering him the ability to examine Dave's drives as
20 much as he would like.

21 Q. And did he ever take you up on that offer?

22 A. No, he didn't.

23 Q. Let's take a look --

24 MR. BRENNER: You could take that down, please,
25 Dorian.

1 Let's take a look at P156, which is also in evidence,
2 and we're going to Page 11. And just scroll up one page, so we
3 can see who the email is from.

4 BY MR. BRENNER:

5 Q. That's -- email April 23rd, from you to Craig?

6 A. Yes.

7 MR. BRENNER: You can go to the next page, please. Go
8 to the very bottom part.

9 BY MR. BRENNER:

10 Q. This is now -- I think the last one we looked at was in
11 February. So this is almost exactly two months later, right?

12 A. Yes.

13 Q. Can you read to the jury what you're writing to Craig
14 Wright in April of 2014 regarding the drives?

15 A. "And I would still welcome you to attempt to gaining access
16 to Dave's drives. If you are able to find his Bitcoin files, I
17 would gladly give you half and invest Dave's other half into
18 your new business."

19 Q. Okay. Did he take you up on the offer that time?

20 A. No, he didn't.

21 Q. Did Dr. Wright ever take you up on your offer to take
22 Dave's drives?

23 A. No, he didn't.

24 Q. Did Dr. Wright ever tell you that what was on Dave's drives
25 he, himself, has his own backup to?

1 A. Yes, he did.

2 MR. BRENNER: Okay. Let's take a look at P731,
3 please.

4 BY MR. BRENNER:

5 Q. Again, without revealing the contents, can you --

6 MR. BRENNER: No. No. I'm sorry. I was talking to
7 the witness. I'm sorry. My mistake. I apologize.

8 P731, Your Honor.

9 Again, same routine: Without revealing the contents,
10 can you just scroll a couple pages until Mr. Kleiman can advise
11 us that he's familiar with the document.

12 THE WITNESS: Yes. I'm familiar with it.

13 BY MR. BRENNER:

14 Q. And what -- is it an email exchange?

15 A. Yes, it is.

16 Q. And between whom and whom?

17 A. Between myself and Dr. Wright.

18 Q. Okay.

19 MR. BRENNER: At this time, the Plaintiffs would move
20 P731 into evidence.

21 MR. RIVERO: No objection.

22 THE COURT: Admitted into evidence.

23 (Plaintiffs' Exhibit 731 received into evidence.)

24 MR. BRENNER: Okay. If we can go to Page 30 of the
25 document.

1 Okay. Scroll up to two pages for me, please.

2 BY MR. BRENNER:

3 Q. This is a long email, but just so that everyone's on the
4 same page, this is an email from Dr. Wright to you, correct?

5 A. Yes.

6 Q. And the date?

7 A. April 23rd, 2014.

8 MR. BRENNER: Okay. Let's look at this issue of the
9 backup files, which is two pages forward, please.

10 BY MR. BRENNER:

11 Q. Okay. Why don't you read to the jury what Dr. Wright is
12 writing to you and your understanding of what he was telling
13 you?

14 A. "I have files of Dave's that I cannot access now. These
15 are TrueCrypt partitions. We held backups for the other, but
16 no passwords. I cannot access these. If I cannot find a key
17 or password on these, I do not believe that I can on yours.
18 Dave was smarter than I was in some ways. He broke his wallets
19 into many 50 bitcoin-sized addresses. I left several large
20 addresses that are not easy to move without making the world
21 notice."

22 Q. Now, whatever backup files Dr. Wright had, did you have any
23 involvement with them, any formatting them, adding to them,
24 storing them? Did you ever have access to Dr. Wright's backup
25 files?

1 A. No, I didn't.

2 MR. BRENNER: Okay. We could take that down, please.

3 BY MR. BRENNER:

4 Q. Okay. I want to switch topics on you. You okay?

5 A. Yeah.

6 Q. Let's talk about --

7 MR. BRENNER: If we could bring up P120, Your Honor,
8 which I believe is already in evidence. And we're going to go
9 to Page 4.

10 THE COURT: It is in evidence.

11 MR. BRENNER: Yes.

12 THE COURT: Yes.

13 MR. BRENNER: Thank you.

14 BY MR. BRENNER:

15 Q. Okay. Mr. Kleiman, this is P120, which we looked at
16 before. It's -- just to identify it for the jury, it's
17 February 15th, 2014, right at the beginning of your
18 communications with Dr. Wright.

19 A. Yes.

20 Q. Okay. And let me ask you this -- first of all, read to the
21 jury the bottom part and then let me ask you a few questions.

22 A. "Can you tell me what that's all about? Sorry I have so
23 many questions. I still don't understand why Dave didn't cash
24 in these Bitcoin if they were of any value. His house was in
25 foreclosure and he certainly could have used the money."

1 Q. Okay. Let's just get the facts out.

2 Was Dave -- let's see the words you use. Was Dave's house
3 in foreclosure before he died?

4 A. I believe it was.

5 Q. Okay. You say: "He certainly could have used the money."
6 Was Dave having financial problems?

7 A. Yes. That's my understanding.

8 Q. Okay. And just -- at this point, is this in the time
9 period where Dr. Wright has told you that the devices have
10 Bitcoin and this is in the time period that you believed him?

11 A. Yes.

12 Q. Okay. So what are you saying to Dr. Wright here?

13 A. I didn't understand. If Dave had access to all these
14 Bitcoins, why he didn't use some of them to pay some of his
15 bills.

16 Q. And is this the only time that you sort of expressed
17 that -- I don't know -- question, whatever, to Dr. Wright about
18 this comparison, if he has Bitcoin sitting on these drives and
19 he's living poor. Is this something that came up in other
20 emails?

21 A. Yes. I believe so.

22 Q. Okay. Let's just look at one more -- maybe it's the next
23 page. Let's see.

24 MR. BRENNER: Yeah. One more back. This is the rest
25 of that email we were looking at.

1 One back.

2 Go one more.

3 No. Other way.

4 Other way, Ms. Vela, please.

5 Thank you.

6 There you go.

7 No.

8 There you go.

9 BY MR. BRENNER:

10 Q. It's a later email in the trail. You say: "Dave was hard
11 up for money." Do you see that?

12 A. Yes. I see it.

13 Q. True statement, at least what you believed?

14 A. Yes.

15 Q. Yes?

16 A. Yes.

17 MR. BRENNER: Okay. Let's look at Exhibit D285.

18 BY MR. BRENNER:

19 Q. Did there ever come a time where -- first of all, had
20 Dr. Wright ever discussed with you trusts -- foreign trusts?

21 A. Yes. I believe there were a few email communications about
22 trusts.

23 Q. And what did he say about Bitcoin and those trusts?

24 A. I don't recall.

25 Q. Okay.

1 MR. BRENNER: Let's see if we can refresh -- D285.

2 BY MR. BRENNER:

3 Q. Can you identify what this is?

4 MR. BRENNER: Can you scroll a couple pages, so he
5 can --

6 THE WITNESS: Yes. I recognize it.

7 MR. BRENNER: Okay. One moment, Your Honor.

8 (Pause in proceedings.)

9 MR. BRENNER: Your Honor, at this time, we would move
10 into evidence D285.

11 THE COURT: Is there any objection?

12 MR. RIVERO: No objection, Your Honor.

13 THE COURT: Admitted into evidence.

14 (Plaintiffs' Exhibit 285 received into evidence.)

15 MR. BRENNER: And could you go to Page 2.

16 BY MR. BRENNER:

17 Q. Email from Dr. Wright to you on February 15th, 2014?

18 A. Okay.

19 Q. What does he say to you about Dave's financial condition?

20 A. He says: "The next thing for you to discover is that Dave
21 may have been cash poor, but he was not poor."

22 Q. Did there ever come a time where Dr. Wright communicated to
23 you about any agreements that he had with Mr. Kleiman about
24 whether the two would sell any Bitcoin?

25 A. Yes, that they had an agreement not to sell any Bitcoin.

1 Q. Okay.

2 MR. BRENNER: So let's look at P133, which I do not
3 believe is in evidence yet, Your Honor.

4 BY MR. BRENNER:

5 Q. Can you tell the jury what P133 is.

6 A. It's another email exchange between Dr. Wright and myself.

7 Q. Okay. And just to be clear, is it -- are there other
8 emails in there that he's forwarding you?

9 A. Yes.

10 Q. And what are those?

11 A. It appears to be emails between my brother and him.

12 Q. Okay.

13 MR. BRENNER: Your Honor, at this time, we would like
14 to move in P133.

15 MR. RIVERO: Judge, no objection to this exchange
16 between Kleiman and Wright.

17 THE COURT: All right. Admitted into evidence.

18 (Plaintiffs' Exhibit 133 received into evidence.)

19 MR. BRENNER: Okay. Let's first just -- the bottom
20 email, let's first put on the -- who it's from and when it is
21 and what year.

22 BY MR. BRENNER:

23 Q. Okay. So this is an email from Craig Wright to
24 dave@davekleiman.com. Do you recognize that as your brother's
25 email address?

1 A. Yes.

2 Q. And it's 2012, right?

3 A. Yes.

4 Q. Okay.

5 MR. BRENNER: And if we could just zoom back out and
6 go to the very top.

7 BY MR. BRENNER:

8 Q. Is this an email -- meaning the one that we were just
9 looking at -- is it an email that Dr. Wright sent to you in
10 2014?

11 A. Correct.

12 Q. So now if we could go down to the right, to: "Kleiman
13 email."

14 I'm going to ask you to read starting off with: "We do not
15 touch the trust." But I'm going to ask you to stop at -- to
16 where -- at the point it starts getting a little profane.

17 A. "We do not touch the trusts, not yet, not even for this.
18 One day, they will change the world. Not millions, not
19 billions. If I am right, they will be trillions and let them
20 try" --

21 Q. Is that consistent with what Dr. Wright had communicated to
22 you about his agreement with your brother not to touch their
23 Bitcoin?

24 A. Yes, it is.

25 MR. BRENNER: You could take that down.

1 Thank you.

2 BY MR. BRENNER:

3 Q. Mr. Kleiman, you were here during the opening statements --
4 were you here during the opening statements?

5 A. Yes, I was.

6 Q. And did you have an opportunity to hear the opening
7 statement of your lawyer, Mr. Roche, and the opening statement
8 of Dr. Wright's lawyer, Ms. McGovern?

9 A. Yes, I did.

10 Q. And were you here when Mrs. McGovern identified you as the
11 driver or creator of this lawsuit?

12 A. Yes.

13 Q. Okay. So I want to just go through a little bit of a
14 timeline with you. First of all, when your brother dies in
15 April 2013, did you rush out and file a lawsuit against
16 anybody?

17 A. No, I didn't.

18 Q. Okay. When Craig Wright contacts you in 2014, and tells
19 you that he and your brother were the co-creators of Bitcoin,
20 do you rush to the courthouse and file a lawsuit?

21 A. No.

22 Q. Okay. When Dr. Wright later tells you that he and your
23 brother had mined Bitcoin together, do you rush to the
24 courthouse and file a lawsuit?

25 MR. RIVERO: Objection. Leading.

1 THE COURT: Sustained.

2 BY MR. BRENNER:

3 Q. Well, did you file a lawsuit in 2014 with the
4 communications we just went through regarding the mining of the
5 Bitcoin?

6 A. No.

7 Q. Did you file a lawsuit at any time during the
8 communications that you had with Dr. Wright and later his
9 wife -- did you file a lawsuit then?

10 A. No, I didn't.

11 Q. And did you -- when did you file this lawsuit?

12 A. I believe it was about four years after he first contacted
13 me, in February 2018.

14 Q. And why did you file the lawsuit?

15 A. It was just the last resort. He just simply -- I tried
16 everything I could to settle the situation out of court with
17 him, but --

18 MR. RIVERO: Objection, Judge. Your Honor, I request
19 that that be stricken from this record and I need an
20 instruction on this. Your Honor --

21 THE COURT: I don't believe any -- the timeline is
22 being given by the witness. At this point, it's proper.

23 Overruled.

24 BY MR. BRENNER:

25 Q. Did you finish your answer?

1 A. Yes.

2 Q. Okay.

3 MR. BRENNER: Your Honor, I'd like to change topics.

4 BY MR. BRENNER:

5 Q. The jury has heard and Mr. Rivero spent some time with
6 Mr. Antonopoulos on Tuesday, I guess, regarding a conversation
7 that took place between you and your brother in -- on
8 Thanksgiving in 2009. You recall that conversation?

9 A. Yes.

10 Q. And did you later recount that conversation and have an
11 email exchange about it with Dr. Wright?

12 A. Yes, I did.

13 Q. Okay.

14 MR. BRENNER: If we could show to the witness and
15 counsel and the Court P733.

16 BY MR. BRENNER:

17 Q. And first -- again, same thing: Can you just identify what
18 this is? Who is it an email exchange between?

19 A. It's between myself and Dr. Wright.

20 Q. And what is the date of the -- at least the first two
21 emails on the screen?

22 A. May 20th, 2014.

23 MR. BRENNER: Your Honor, at this time, we would like
24 to move into evidence P733.

25 MR. RIVERO: Without objection, Your Honor.

1 THE COURT: Admitted into evidence.

2 (Plaintiffs' Exhibit 733 received into evidence.)

3 MR. BRENNER: Okay. So let's start from -- if you
4 could just start from the bottom email and block everything
5 else out, if you would.

6 Okay. Great.

7 BY MR. BRENNER:

8 Q. I'm just going to let you read this to the jury. This is
9 an exchange with you and Dr. Wright?

10 A. Yes.

11 Q. Okay. Can you read to the jury the first part of the
12 screen and then we'll scroll to the next.

13 A. "I don't recall him ever saying the word 'Bitcoin' to me.
14 But I do have a memory where I think he told me he was working
15 on it. We were visiting at my dad's house, I think, for
16 Thanksgiving and I think it was the first time I believe he met
17 my daughter, JiJi."

18 MR. BRENNER: You can go to the next page.

19 You want it bigger?

20 Okay.

21 BY MR. BRENNER:

22 Q. The last two words were: "We started" and now you're
23 picking up at "talking about."

24 A. "We started talking about how successful Facebook had
25 become and I asked him if he was working on anything

1 interesting. He told me he was making his own money. I was
2 like, 'What, are you making counterfeit money?' And I thought
3 maybe he was up to something fishy.

4 "And then he said it was digital money and opened his
5 wallet to show me something like a business card with a logo on
6 it. But he couldn't find it so I think he just scribbled it on
7 the back of a card, the 'B' with lines through it.

8 "He also said he was doing some work with a rich foreign
9 guy. I asked him, 'How rich is this guy?' He said something
10 like, 'He's not super rich, but he owns some properties.'

11 "Then he said some other stuff about the foreign guy that I
12 don't remember.

13 "I replied to him saying, 'Why don't you partner with this
14 guy? With your brains and his money, you guys could create the
15 next big thing like Facebook.'

16 "He gave me a blank look and was silent, which I thought
17 was unusual for Dave to stop talking. Maybe he didn't want to
18 directly come out and say you guys were already partners.

19 "Anyway, that's the only time I can recall where he
20 mentioned this stuff to me. I was wondering if you were aware
21 of any business cards ever being printed with the Bitcoin logo
22 on it. I never found any in his belongings. I wasn't sure if
23 he was opening his wallet to show me a Bitcoin business card or
24 if he just wanted to grab an existing card to draw the logo on
25 the back of it."

1 Q. Okay.

2 MR. BRENNER: Don't. Stay where you are, please.

3 Thank you.

4 No. Stay where you were, please.

5 BY MR. BRENNER:

6 Q. Okay. So does Dr. Wright respond to this email?

7 A. Yes, he does.

8 Q. We're going to take it one at a time.

9 Does he respond to the question or the issue you raise
10 about whether he and Dave were partners?

11 A. Yes, he did.

12 Q. Okay. So let's go to his response and look at the first
13 part of his response.

14 MR. BRENNER: Blow that up, please.

15 BY MR. BRENNER:

16 Q. What does he say about whether he and Dave were partners in
17 this Bitcoin or digital money thing you were asking about?

18 MR. RIVERO: Objection. The document speaks for
19 itself, Judge. That question leads to an answer.

20 THE COURT: Sustained.

21 BY MR. BRENNER:

22 Q. What does Dr. Wright say in response to your email?

23 A. "We did partner."

24 Q. You also had mentioned that the properties -- about the
25 farm. And does he respond to that?

1 A. Yes.

2 Q. You could read that to the jury.

3 A. "The properties were not magnificent, but I love them. In
4 total, I had a few cattle ranches and farm up in
5 Port Macquarie. Wonderful beaches, but underdeveloped, unlike
6 Florida. In total, about 550 acres."

7 Q. And then does he respond to the part of your email about
8 the Bitcoin logo?

9 A. Yes, he does.

10 Q. And what does he say?

11 A. "I will have to see what I can dig up. The old Bitcoin
12 logo we did is no longer used. I have a copy somewhere."

13 Q. And was your understanding -- when it said: "The Bitcoin
14 logo we did," what was your understanding of who Dr. Wright was
15 talking about?

16 A. (No verbal response.)

17 Q. Who is the "we" in "the Bitcoin logo we did"? What was
18 your understanding?

19 MR. RIVERO: Objection. Calls for speculation.

20 THE COURT: Sustained.

21 BY MR. BRENNER:

22 Q. Did you have an understanding of what -- what did you
23 take -- what was your understanding of what that sentence
24 meant?

25 A. Yeah. I understood it to mean the Bitcoin logo that Craig

1 and Dave were working on.

2 Q. Is there -- and then the last sentence deals with the
3 counterfeit issue. Why don't we just read that in for
4 completeness.

5 A. "Some of the issues we still face come from how people
6 assume making money must be counterfeit or otherwise illegal."

7 MR. BRENNER: Let's --

8 BY MR. BRENNER:

9 Q. Do you respond to that email?

10 A. Yes.

11 Q. What do you say?

12 A. "I think the logo he drew for me only had one line going
13 through the B, not two."

14 Q. And then what does Dr. Wright do? Does he respond to your
15 email?

16 A. He does.

17 MR. BRENNER: And can we blow that up?

18 BY MR. BRENNER:

19 Q. And what does he say?

20 A. He sends me like a timeline of the different versions of
21 Bitcoin logos that they were working on and the one at the
22 bottom looks like the one that I described to him that my
23 brother drew on the back of the business card.

24 MR. BRENNER: May I have a moment with counsel -- with
25 my colleagues, Your Honor?

1 THE COURT: Certainly.

2 (Pause in proceedings.)

3 MR. BRENNER: Mr. Kleiman, I have no further questions
4 at this time. Please give the same responsiveness to
5 Mr. Rivero.

6 THE COURT: Cross-examination.

7 MR. RIVERO: Thank you, Your Honor.

8 (Pause in proceedings.)

9 MR. RIVERO: May it please the Court, counsel.

10 CROSS-EXAMINATION

11 BY MR. RIVERO:

12 Q. Mr. Kleiman, this is a chart -- you were here for opening;
13 isn't that right? You were here for opening, were you not,
14 Mr. Kleiman?

15 A. Yes.

16 Q. This is the chart your counsel used during opening,
17 correct?

18 A. Yes.

19 Q. You spoke a lot, sir, here on your direct examination about
20 the period 2013 to 2018, did you not?

21 A. Yes.

22 Q. All right. You spoke very little -- if I remember
23 correctly, the only thing you commented on in the period
24 between 2008 and April of 2013 is Thanksgiving Day 2009; isn't
25 that right?

1 A. Yes.

2 Q. Okay. And that was a -- that was November 26th, 2009,
3 right?

4 A. Correct.

5 Q. Okay. And you know that date because that's the last day
6 you saw your brother in life, correct?

7 MR. BRENNER: Objection. May we approach?

8 MR. RIVERO: Judge, I'll --

9 THE COURT: The objection is overruled at this point.

10 BY MR. RIVERO:

11 Q. Sir?

12 A. I'm not exactly certain if that's the very last day. But
13 that's the -- I guess the best memory of last seeing him. I
14 may have seen him other times after that, but I just don't
15 recall it.

16 Q. Sir, your testimony under oath and your best memory is that
17 that was the last day you saw your brother in life, is it not?

18 MR. BRENNER: Same objection, Your Honor.

19 THE WITNESS: Like I said, I'm not certain that that
20 was --

21 THE COURT: The objection is noted. It's overruled at
22 this point.

23 THE WITNESS: I could have possibly seen him other
24 days.

25

1 BY MR. RIVERO:

2 Q. I will return to that subject and show you your testimony,
3 Mr. Kleiman, but I have another point to make at this time.

4 Sir, you say that on that day your brother drew a symbol
5 like this. Like this one. You just talked about it before the
6 jury, right?

7 A. Yes.

8 Q. Okay. I'm going to make it larger and make sure you agree
9 with me.

10 MR. BRENNER: (Inaudible.)

11 THE COURT: I'm sorry. We can't hear you.

12 MR. BRENNER: May I just move, so I can see?

13 THE COURT: Yes. Of course.

14 MR. BRENNER: Where's the best place to go?

15 THE COURT: Well, it may be easier, Mr. Rivero, if you
16 can just move it a little bit back, so all counsel can see the
17 easel.

18 MR. RIVERO: I will. And Judge, I'm not going to use
19 it extensively, but I'll move it definitely --

20 THE COURT: But you are using it. So if you wouldn't
21 mind.

22 MR. RIVERO: And in fact, Judge, just to be fair, I'll
23 show Plaintiffs' counsel their chart from opening to make sure
24 that they are able to remember what they wrote.

25 MR. BRENNER: Thank you, sir.

1 MR. RIVERO: Yeah.

2 BY MR. RIVERO:

3 Q. And so having shown that to Plaintiffs' counsel,
4 Mr. Kleiman, can you still see it?

5 THE COURT: Well, you maybe want to turn it just a
6 little bit.

7 There we go.

8 MR. RIVERO: Well, Judge, I want you to see it.

9 THE COURT: And, Counsel, you're free to move over, so
10 that you're able to see it.

11 BY MR. RIVERO:

12 Q. I just to want to make sure you and I are on the same page.

13 What your brother drew for you was something like -- I'm
14 not very good -- but it was like this, right?

15 A. That's what I recall, yes.

16 Q. Yeah. Okay. We'll come back. When we talk about
17 Thanksgiving Day 2009, we're going to talk about that.

18 Now, Mr. Kleiman, you understand that you have brought a
19 lawsuit making serious allegations against Dr. Craig Wright, do
20 you not?

21 A. Yes.

22 Q. And you have alleged theft?

23 A. Yes.

24 Q. And you have alleged fraud?

25 A. Yes.

1 Q. Do you understand that Dr. Wright is here in court in
2 person, far from his home in London, England, to defend against
3 your lawsuit?

4 A. Correct.

5 Q. Now, you, sir, claim that Dave Kleiman and Craig Wright had
6 a 50/50 partnership to invent and mine Bitcoin; isn't that
7 right?

8 A. Right.

9 Q. Mr. Kleiman, I want to talk with you about things you know
10 about your brother, Dave Kleiman, from during his lifetime. Do
11 you understand me?

12 A. Yes.

13 Q. In life, Dave Kleiman never mentioned the name Craig S.
14 Wright to you; isn't that right?

15 A. That is correct.

16 Q. And in life, he never showed you any written business
17 partnership agreement that he had with Dr. Craig Wright to
18 invent or mine Bitcoin, did he?

19 A. That's correct.

20 Q. And he never said to you: "I have a business partnership
21 with Craig Wright to invent or mine Bitcoin." Right?

22 A. Right.

23 Q. And in fact, you have conceded under oath that you do not
24 know any details of how any alleged business relationship was
25 structured, if one existed. Have you not conceded that under

1 oath?

2 A. Could you repeat that, please.

3 Q. In fact, you have said under oath that you do not know the
4 details, if there were any, of how David Kleiman and Craig
5 Wright structured any alleged business arrangement between
6 them. Have you not said that?

7 MR. BRENNER: Your Honor, this is improper form. He
8 should ask the question. If he gets a different answer --

9 THE COURT: That's correct. Sustained.

10 MR. RIVERO: Okay. I'll remove --

11 BY MR. RIVERO:

12 Q. Isn't it true that you have said that you do not know the
13 details?

14 A. I only know what Craig has told me.

15 Q. Okay. So other than anything Craig Wright said to you, you
16 don't know anything about any details of any business
17 arrangement, right?

18 A. Correct.

19 Q. And Craig Wright -- and you just went through it with your
20 counsel -- Craig Wright never gave you any writing that
21 indicated a split of profits on a 50/50 basis, did he?

22 A. He told me from the beginning that they were 50/50
23 partners.

24 Q. I see, sir. What your testimony to the jury is, regardless
25 of the paper we just saw that your counsel took you through

1 every scrap of paper they wanted to, you're saying orally Craig
2 Wright said that to you. Is that your testimony?

3 A. No. He emailed it to me.

4 Q. You're saying that we've seen an email where Craig Wright
5 said there was a division 50/50 on the invention and mining of
6 Bitcoin?

7 A. That they were 50/50 partners in W&K.

8 Q. Mr. Kleiman, I want to make sure I understand what you're
9 saying. Are you telling the jury that we have seen a document
10 today like that?

11 A. You may not have seen it today. But I believe that I have
12 possession of emails such as that.

13 Q. Okay, sir. You believe you have in your possession an
14 email where Dr. Craig Wright says there was a 50/50 deal.
15 That's what you're saying?

16 A. Something similar. I don't remember the exact details,
17 but --

18 Q. Can you bring that to this courtroom tomorrow morning?

19 MR. BRENNER: Your Honor -- Your Honor, the witness
20 must be allowed to finish his answer.

21 THE COURT: Let the witness finish his answer, please.
22 Have you concluded your answer, Mr. Kleiman?

23 THE WITNESS: Yes. I believe that I have seen email
24 communications where there was a division of assets that they
25 owned in W&K.

1 BY MR. RIVERO:

2 Q. Sir, listen to my question. I'm talking about a
3 partnership. I don't know if you understand what I'm saying.

4 You're saying there is a document where Dr. Craig S. Wright
5 has described a 50/50 partnership between them and you have it
6 in your possession?

7 A. I believe it's in the Australia court filings that Craig
8 submitted when he sued W&K. He listed he held 50 percent of
9 the shares --

10 Q. That's not --

11 MR. BRENNER: Your Honor, the witness is in the middle
12 of a sentence.

13 THE COURT: You may complete your answer, Mr. Kleiman.

14 THE WITNESS: Yeah. Craig listed himself as owning 50
15 percent of W&K and my brother as 50 percent in W&K.

16 BY MR. RIVERO:

17 Q. Not a communication with you. You're talking about
18 Australian court records?

19 A. Well, it's a document, yes.

20 Q. Okay. All right. Mr. Kleiman, that's the one document
21 you're pointing to?

22 A. There's probably others, but that's the one that I can
23 recall off the top of my head.

24 Q. Now, after David Kleiman's death, you were the person who
25 took charge of his papers and his computer devices, right?

1 A. Correct.

2 Q. And you had the run of his house and his papers and
3 devices, right?

4 A. Yes.

5 Q. And you found 15 devices, did you not?

6 A. Yes.

7 Q. And we'll talk about devices, but you disposed of one?

8 A. Correct.

9 Q. You gave two away to Patrick Paige and Carter Conrad?

10 A. I'm not exactly sure if it was two, but in that range. It
11 might have been three or four. I don't know.

12 Q. A number of the others, sir, you -- and we've seen a number
13 of the others.

14 MR. RIVERO: This is an exhibit already admitted into
15 evidence, Your Honor. And I will request the number.

16 425.

17 Actually, Mr. Kass, I'll just use this.

18 Thank you.

19 BY MR. RIVERO:

20 Q. A number of the others you have testified that -- well,
21 these two you have testified you reformatted, right?

22 A. Yes.

23 Q. And then, sir, you also have these devices in your
24 possession, right?

25 A. Yes.

1 Q. And sir, you've used these devices?

2 A. Yes, I did.

3 Q. And you have looked in these devices?

4 A. What's that?

5 Q. You have looked in these devices?

6 A. Yes. I've looked at those devices.

7 Q. And now -- and you also found his papers, right?

8 A. Could you repeat that, please.

9 Q. You also found David Kleiman's papers, right?

10 A. Yes. I found different papers, yes.

11 Q. Whatever papers he had in his house, right?

12 A. Yes.

13 Q. And among all those papers, and all those devices, you
14 found no copy of any written partnership agreement with David
15 Kleiman and Craig Wright as to a partnership to invent or mine
16 Bitcoin; isn't that right?

17 A. That is correct. But from my understanding, I believe they
18 had a verbal agreement.

19 Q. Okay. Sir, but you didn't find anything. You certainly
20 didn't find a writing that reflected a verbal agreement,
21 either, did you?

22 A. No. If it's a verbal agreement, they probably don't have
23 it in writing.

24 Q. Sir, you didn't find a single email communication between
25 the two of them talking about any verbal agreement or any

1 details of a partnership, did you?

2 A. No.

3 Q. And in fact, sir, there were emails between David Kleiman
4 and Craig Wright in life -- I'm not talking about after Dave
5 was dead. I'm talking when they were alive. These two men
6 communicated by email, did they not?

7 A. I -- yeah, I believe so.

8 Q. Right. And I assume that you had some of those?

9 A. No, I don't. I didn't have complete access to my brother's
10 email account.

11 Q. I see, sir. But whatever access you had, you didn't find a
12 single email, a single text, a single scrap of paper that
13 either documented a written partnership agreement or reflected
14 any existence or terms of a partnership agreement to invent or
15 mine Bitcoin, did you?

16 A. From my understanding, this was a very secretive project.

17 MR. RIVERO: Judge, now I need the gentleman to
18 answer.

19 THE COURT: Do you understand the question,
20 Mr. Kleiman?

21 THE WITNESS: I do.

22 THE COURT: All right. Why don't you go ahead and
23 answer it, sir.

24 MR. RIVERO: It's a long question, sir, but I'll have
25 it read back, if necessary.

1 THE WITNESS: No, I understand the question. I'm
2 trying to answer. I believe -- what I'm saying is, from my
3 understanding, being that it was a secretive project, they did
4 not want information about these communications of the
5 development of Bitcoin to ever come out.

6 So if there were email communications, perhaps -- you
7 know, Craig and my brother are security experts. They know how
8 to hide, you know, their emails if they want to bury them.

9 BY MR. RIVERO:

10 Q. Mr. Kleiman, that's a "no," isn't it? You didn't find any
11 such thing?

12 A. Yeah. No. No. I didn't find it, but I'm just supplying
13 the reasoning why I didn't find any.

14 Q. You're supplying your speculation that's convenient to you
15 about why it's a "no." Isn't that right?

16 A. It just -- I'm just trying to explain my logic.

17 Q. I'm going to explore your logic, sir, but I do want you to
18 answer my questions.

19 MR. BRENNER: Your Honor, I object to the commentary
20 from counsel.

21 THE COURT: It's sustained. We don't need the
22 comment.

23 BY MR. RIVERO:

24 Q. Sir, you never found any statement anywhere between David
25 Kleiman and Craig Wright that: "We're 50/50 partners on

1 Bitcoin"?

2 A. No. No emails.

3 Q. You didn't find any emails between David Kleiman and Craig
4 Wright discussing anything about Bitcoin; isn't that true?

5 A. Not in email form, no.

6 Q. Not in text form?

7 A. In text form --

8 Q. In text form. You didn't find any -- I'm talking about
9 David Kleiman's papers and communications.

10 A. No. No. I didn't find any.

11 Q. And you didn't find anything on a piece of paper; isn't
12 that right?

13 A. That is right.

14 Q. Sir, you allege that Craig Wright stole Bitcoin from David
15 Kleiman, don't you?

16 A. Yes.

17 Q. And what you specifically allege is that he --
18 Paragraph 200 of your complaint, he breached -- among many
19 other allegations, he breached fiduciary duties by stealing
20 Bitcoin from David Kleiman; that specific, right?

21 A. Yes.

22 Q. Now, in life, David Kleiman never said anything to you
23 about Craig Wright having stolen anything from him. Isn't that
24 true?

25 A. He never mentioned Craig Wright to me.

1 Q. And you do not know of any evidence that suggested that
2 Craig Wright stole anything from David Kleiman while he was
3 alive; isn't that right?

4 A. Could you repeat that, please.

5 Q. Yeah. And you do not know of any evidence that suggests
6 that Craig Wright stole anything from David Kleiman while he
7 was alive; isn't that right?

8 A. While he was alive? No -- yes. That's correct.

9 Q. Now, you also cannot say that Craig Wright ever took David
10 Kleiman's private keys?

11 A. I can't say that --

12 Q. That -- I said that backwards.

13 You can't say that Craig Wright took David Kleiman's
14 private keys, can you?

15 A. I have seen documents that appear that they shared access
16 to private keys.

17 Q. Mr. Kleiman, let me go back to where I started.

18 For the moment, talking about during David Kleiman's
19 life -- but I do want to address the specific statement you
20 made. So let me repeat the question with that qualification
21 that I'm trying to put into these questions.

22 During the course of David Kleiman's life, you cannot say
23 that Craig Wright ever took David Kleiman's private keys; isn't
24 that right?

25 A. Not during his life. No.

1 Q. Sir, we were shown a document --

2 MR. RIVERO: And, Judge, may I have a moment to
3 request the exhibit number?

4 THE COURT: Certainly.

5 (Pause in proceedings.)

6 MR. RIVERO: I'll have to come back to it, Your Honor,
7 because I can't locate the exhibit right now. But I will. Let
8 me move on.

9 BY MR. RIVERO:

10 Q. You cannot show -- you cannot point to any documents at any
11 time showing Bitcoin or any funds from Bitcoin being taken from
12 any accounts ever; isn't that right?

13 A. Being taken from any accounts?

14 Q. Yes.

15 A. I don't think so.

16 Q. And when -- and you cannot identify any documents or
17 testimony as evidence that Dr. Wright stole Bitcoin; isn't that
18 right?

19 A. Yes.

20 Q. Now, sir, your Thanksgiving Day story, there is one very
21 specific story you tell about an event between you and David
22 Kleiman during his life. And that's your story of the
23 conversation you say you had with him on Thanksgiving Day 2009;
24 isn't that right?

25 A. Yes.

1 Q. Other than that, you have no testimony whatsoever to give
2 during Dave's life about anything to do with Bitcoin; isn't
3 that right?

4 A. Like I said, this was supposed to be a secretive project.
5 So from my understanding, Dave withheld telling many people
6 about it. So I guess it would make sense that he didn't tell,
7 you know, many people. He told myself and he may have told a
8 few of his friends.

9 Q. Mr. Kleiman, first of all, that's a "no." He didn't say
10 anything to you during his life that had, in any way, shape, or
11 form, anything to do with Bitcoin except November 26th, 2009;
12 isn't that right?

13 A. That's the only recollection I have about Dave creating
14 digital money, yes.

15 Q. And you volunteered just now that your belief is he was
16 very secretive, so he only told you and a few friends. That's
17 your testimony?

18 A. Yes.

19 Q. Okay. We're going to get to that. We're going to get to
20 that, but I want to stick to the moment about this story, about
21 a conversation on November 26th, 2009 -- right?

22 A. Yes.

23 Q. And you know it was 2009 because it was the first time your
24 brother met your daughter who was born that year?

25 A. Correct.

1 Q. JiJi?

2 A. Yes.

3 Q. And what you say is that this conversation happened after
4 the Thanksgiving dinner was over and your father and your wife
5 had gone to wash dishes, correct?

6 A. Correct.

7 Q. And the only people in the room were baby JiJi?

8 A. Uh-huh.

9 Q. And you and David Kleiman?

10 A. Yes.

11 Q. All right. So no one heard this -- no adult heard this
12 except for you?

13 A. Yes.

14 Q. And the way that you say this conversation happened is that
15 you say -- you said to your brother: "Why don't you create
16 something like that kid Zuckerberg, who is doing so well?"

17 A. Right.

18 Q. And your brother responds -- this is Thanksgiving, right?

19 A. Yes.

20 Q. Okay. Your brother responds: "I'm doing something bigger.
21 I'm inventing my own money"?

22 A. That's correct.

23 Q. And then he never says, though -- he never says the word
24 "Bitcoin"?

25 A. No.

1 Q. And what happens is -- well, this was a very brief
2 conversation, right?

3 A. Yes, it was.

4 Q. And you say he was very vague?

5 A. Yes.

6 Q. And you never talked to David Kleiman about this again,
7 right?

8 A. I don't believe so, no.

9 Q. He told you he was going to invent something bigger than
10 Facebook, right?

11 A. That's what I recall, yes.

12 Q. Okay. And you never raise it again with him during his
13 life?

14 A. No.

15 Q. That day, he didn't say his work was highly confidential
16 and that you needed to keep it secret, right?

17 A. That is true.

18 Q. And that day, in fact, he didn't say it was a secret at
19 all, did he?

20 A. No.

21 Q. And that day, he didn't ask you to keep it to yourself or a
22 secret, right?

23 A. Well, he never mentioned the word "Bitcoin," so yes.

24 Q. He never mentioned the word "Bitcoin." Okay. Right.

25 But let me ask you a question, sir: Assuming this was the

1 symbol for Bitcoin that day -- assuming this were the symbol
2 for Bitcoin that day, I assume the symbol for Bitcoin was not a
3 secret?

4 A. Well, from my understanding, it might have been just the
5 logo that they were working on. It might have -- it might have
6 just been between Craig and Dave. You know, I don't know
7 exactly who else they may have communicated it to.

8 Q. Sir, let's make sure that we understand what happened.

9 During the conversation, what he said was -- what he did
10 was he pulled out a business card, right?

11 A. Uh-huh.

12 Q. Pulled a business card out of his pocket, something like
13 this, right?

14 A. Yes.

15 Q. And he took a pen and he -- why don't you --

16 MR. RIVERO: Your Honor, may I approach?

17 THE COURT: You may.

18 MR. RIVERO: Yeah.

19 BY MR. RIVERO:

20 Q. Why don't you show us what your brother did when he pulled
21 out a business card in front of you and he said: "I'm going to
22 make something bigger than Facebook, which is like inventing
23 money."

24 What did he do?

25 A. He flipped the card over and he wrote the letter "B" and

1 put the line through the center.

2 MR. RIVERO: Your Honor, may I approach again?

3 THE COURT: You may.

4 BY MR. RIVERO:

5 Q. Sir, would you initial that?

6 MR. BRENNER: May I see it, Your Honor?

7 THE COURT: You want to come forward and see the
8 drawing?

9 MR. RIVERO: Judge, I am going to publish it to the
10 Plaintiff.

11 MR. BRENNER: Are you going to publish it on the
12 screen?

13 MR. RIVERO: No. I'm going to publish it to you.

14 (Pause in proceedings.)

15 BY MR. RIVERO:

16 Q. That's what he did?

17 A. Yes.

18 Q. Did that in front of you, right?

19 A. Yes.

20 Q. And he told you: "This is the symbol for what we're
21 doing"?

22 A. Actually, he didn't even say that. He just did it. He
23 just flipped --

24 Q. He just did it?

25 A. He just flipped the card over and drew that, yes.

1 Q. He didn't say to keep this secret, did he?

2 A. What's that?

3 Q. He didn't say to keep this secret, did he?

4 A. No. He didn't say to keep it secret.

5 Q. All right. And what you're saying is he did this on
6 November 26th, 2009, right?

7 A. Yes.

8 MR. RIVERO: And Judge, actually, what I'm going to
9 request is I'm going to move the admission of the card.

10 THE COURT: I'm not allowing the card in. I don't know
11 what else is on there.

12 MR. RIVERO: Okay.

13 THE COURT: It's consistent with what the jury is
14 looking at.

15 MR. RIVERO: May I move the admission of this, Your
16 Honor?

17 THE COURT: It's my understanding it's for
18 demonstrative purposes.

19 Is there any objection to admitting this page that's
20 on the easel?

21 MR. BRENNER: Yes, Your Honor. A demonstrative. It's
22 fine. It's not in evidence.

23 THE COURT: It's for demonstrative purposes.

24 Let's continue.

25